

The American Historical Review

Board of Editors

GEORGE B. ADAMS

ALBERT BUSHNELL HART

J. FRANKLIN JAMESON

ANDREW C. McLAUGHLIN

WILLIAM M. SLOANE

H. MORSE STEPHENS

Managing Editor

ANDREW C. McLAUGHLIN

VOL. VIII No. 3

APRIL 1903

ISSUED QUARTERLY

CONTENTS

	The Meeting of the American Historical Association at Philadelphia	409
GAILLARD T. LAPSLEY	The Origin of Property in Land	426
SIMEON E. BALDWIN	American Business Corporations before 1789	449
HENRY E. BOURNE	American Constitutional Precedents in the French National Assembly.	466
DOCUMENTS—	George Rogers Clark and the Kaskaskia Campaign, 1777-1778; A Letter from De Vergennes to La Fayette, 1780; Portions of Charles Pinckney's Plan for a Constitution, 1787; A Letter of James Nicholson, 1803	491
REVIEWS OF BOOKS—	Fiske's <i>Essays, Historical and Literary</i> ; Ostrogorski's <i>Democracy and the Organization of Political Parties</i> ; Cross's <i>The Anglican Episcopate and the American Colonies</i> ; Richman's <i>Rhode Island</i> ; Snow's <i>The Administration of Dependencies</i> ; McCrady's <i>The History of South Carolina in the Revolution, 1780-1783</i> ; Hunt's <i>The Writings of James Madison, III.</i> ; Rose's <i>The Life of Napoleon I.</i> ; Oman's <i>A History of the Peninsular War, I.</i> ; and other reviews	514
	(For a complete list of reviews see next page.)	
NOTES AND NEWS		594

THE MACMILLAN COMPANY

41 NORTH QUEEN ST., LANCASTER, PA.

66 FIFTH AVE., NEW YORK.

LONDON: MACMILLAN AND CO., LTD.

Entered at the post-office, Lancaster, Pa., as second-class mail matter.

SHORTER CONTRIBUTIONS

George B. Adams, <i>Henry I.'s Writ Regarding the Local Courts</i>	487
REVIEWS OF BOOKS	
Fiske, <i>Essays, Historical and Literary</i> , by Professor K. C. Babcock	514
Bourne, <i>The Teaching of History and Civics in the Elementary and the Secondary School</i> , by Professor Max Farrand	516
Seligman, <i>The Economic Interpretation of History</i> , by C. W. Alvord	517
Ostrogorski, <i>Democracy and the Organization of Political Parties</i> , by Professor A. L. Lowell	519
Lanciani, <i>Storia degli Scavi di Roma e Notizie intorno le Collezioni Romane di Antichità</i> , I., by S. B. P.	522
West, <i>Ancient History to the Death of Charlemagne</i> , by Professor C. H. Haskins	523
Richard, Son of Nigel, <i>De Necessariis Observantiis Scaccarii Dialogus</i> , by Professor G. B. Adams	524
Stubbs, <i>Historical Introductions to the Rolls Series</i> , by the same	527
Schäfer, <i>Beiträge zur Geschichte des spanischen Protestantismus und der Inquisition im sechzehnten Jahrhundert</i> , by Dr. H. C. Lea	529
Lingelbach, <i>The Merchant Adventurers of England</i> , by Dr. A. L. Cross	531
Laughton, <i>The Naval Miscellany</i> , I., by Professor J. F. Jameson	532
Oppenheim, <i>The Naval Tracts of Sir William Monson</i>	534
Lang, <i>James the Sixth and the Gowrie Mystery</i> , by Professor O. H. Richardson	536
Hulbert, <i>Historic Highways of America</i> , I., II., by Professor E. E. Sparks	539
Marvin, <i>The American Merchant Marine</i> , by W. B. Weedon	541
Cross, <i>The Anglican Episcopate and the American Colonies</i> , by Professor W. Walker	542
Richman, <i>Rhode Island, Its Making and its Meaning</i> , by Professor H. L. Osgood	545
Allen, <i>The History of Enfield, Connecticut</i> , by Professor C. M. Andrews	546
Singleton, <i>Social New York under the Georges, 1714-1776</i> , by Ruth Putnam	550
Hastings, <i>Ecclesiastical Records of the State of New York</i> , by Dr. A. L. Cross	551
Snow, <i>The Administration of Dependencies</i> , by Professor P. S. Reinsch	553
McCrary, <i>The History of South Carolina in the Revolution, 1780-1783</i> , by Professor H. L. Osgood	557
Hunt, <i>The Writings of James Madison</i> , III., by Professor J. F. Jameson	559
Mowry, <i>The Territorial Growth of the United States</i> , by F. H. H.	561
Mallet, <i>Mallet du Pan and the French Revolution</i> , by Professor G. M. Dutcher	562
Rose, <i>The Life of Napoleon I.</i>	565
Oman, <i>A History of the Peninsular War</i> , I.; and Guillon, <i>Les Guerres d'Espagne sous Napoléon</i> , by Colonel T. A. Dodge	569
Lodge, <i>A Fighting Frigate and Other Essays and Addresses</i> , by Professor F. M. Anderson	571
Robinson, <i>Letters of Dorothea, Princess Lieven, during her Residence in London, 1812-1834</i> , by Professor E. D. Adams	573
Ravaschieri, <i>Il Generale Carlo Filangieri</i> , by H. N. Gay	575
Schiemann, <i>Die Ermordung Pauls und die Thronbesteigung Nikolaus I.</i> , by Professor A. C. Coolidge	576
Bertha, <i>La Hongrie Moderne de 1849 à 1901</i> , by the same	578
MINOR NOTICES	580

The American Historical Association supplies the REVIEW to all its members; the Executive Council of the Association elects members of the Board of Editors.

Correspondence in regard to contributions to the REVIEW may be sent to the Managing Editor, Professor A. C. McLaughlin, 836 Tappan Street, Ann Arbor, Mich., or to the Board of Editors. Books for review may be sent to the Managing Editor, in care of The Macmillan Company, 66 Fifth Avenue, New York City. European Agent, Theodore Stanton, 10 Boulevard des Capucines, Paris. Subscriptions should be sent to The Macmillan Company, 41 North Queen St., Lancaster, Pa., or 66 Fifth Ave., New York. The price of subscription, to persons who are not members of the American Historical Association, is four dollars a year; single numbers are sold for one dollar; bound volumes may be obtained for four dollars and a half. Back numbers or volumes of the REVIEW may be obtained at the same rates.

COPYRIGHT, 1903, BY THE MACMILLAN COMPANY

THE NEW ERA PRINT,
LANCASTER, PA.

The
American Historical Review

THE MEETING OF THE AMERICAN HISTORICAL
ASSOCIATION AT PHILADELPHIA

THE eighteenth annual meeting of the American Historical Association was held at Philadelphia, December 26, 27, 29, and 30, 1902. It was in all respects successful and satisfactory. Many members were in attendance, the programme was excellent, and there was everywhere indication of the great activity and vitality of the Association, and of the work it is doing for the promotion of historical scholarship in America. The meeting deserves no less strong an adjective than inspiring. It showed how thoroughly the historical work of the country is organized, and how much the task of the individual investigator and teacher is lightened and his efficiency improved by the generous criticism and thoughtful suggestion of others. In the best sense of the word, American scholars are to-day writing history by the coöperative method; one does not seek to supplant the other, but to supplement his labors and to give him encouragement and help. The acquaintanceship and good fellowship which are produced by the meetings of the Association are in consequence much more than merely pleasant and agreeable; they are a distinct aid to the upbuilding of sound historical scholarship. Moreover, one could not listen to the papers that were read without being impressed also with the great amount of thoroughly scientific work that is now being carried forward. The materials of foreign as well as of American archives and libraries are profitably and sanely used to an extent until recently quite unknown. The various commissions and boards of the Association showed by their reports that they are earnestly and industriously doing their part for the classification and collection of material, for the publication of papers, and in the fulfilment of other plans which

will be of inestimable service to the future student of American history. The members of these committees freely give their time and attention to these duties, from which they receive no personal benefit.

The arrangements for the meeting were carefully planned and admirably carried out. Although sessions were held in five different places, so judiciously were the details managed that there was not the least confusion or discomfort. When so many persons were unsparing in their efforts, it seems almost invidious to express appreciation of the labors of any one in particular, but possibly it will not be amiss to mention especially the work of Professor J. B. McMaster, the chairman of the programme committee, and the tireless attentions of Professor Herman V. Ames, the secretary of the committee of arrangements. The friends of the Association in Philadelphia were very generous in their hospitality. Every afternoon and evening except Sunday some form of friendly entertainment was provided. On Friday evening after the joint session a reception was held at the Drexel Institute in honor of the presidents of the Historical and Economic Associations. Luncheons were served by the University of Pennsylvania after the morning sessions on Saturday and Monday. At the Museum of Science and Art, a tea was given Saturday afternoon by the university faculties. An informal smoker was held at the University Club Saturday evening. On Monday evening the Historical Society of Pennsylvania gave a reception and supper, and Tuesday Mr. Henry C. Lea, the president-elect, was the host of the Association at a luncheon in the hall of the American Philosophical Society. The privileges of the University Club were granted to the men members of the Association, while the ladies were shown like courtesy by the New Century Club. The pleasure of the meeting was much increased by the opportunity of visiting the rooms of the Historical Society and of the Philosophical Society, and by the interest taken in the Association by citizens of Philadelphia, whose historical work has long been known to American students.

The programme, carefully arranged so as to give to each session a particular center of interest, was quite as good as usual; and perhaps no stronger word of commendation is necessary. All of the papers provided for were, with one exception, read, and the readers as a rule regarded the limits of the length set by the committee on programme — a matter of no slight importance. Following the practice of the last two years, two sessions were held jointly with the Economic Association, at one of which the annual addresses of the presidents were read. The Church History Section

did not present a separate programme; there has been a growing feeling that there is no especial reason for separation, and that the cause of church history, as well as of secular history, is not materially advanced by segregation. If topics in church history are treated thoroughly and scientifically, there is no ground for their exclusion from the general programme. It might be well to say, however, that the existence of a separate Church History Section did not come about by a cleavage of the Association, but was due to the affiliation, some seven years ago, of a separate society with the Association.

One session of this meeting was given up to the consideration of topics in diplomacy and diplomatic history, and those especially interested have taken into consideration the formation of a distinct section in which matters of diplomatic history and current problems of international law may be discussed. There may be difference of opinion as to whether there is good ground for taking such a step, but it may be argued that it is distinctly worth while for members who are paying attention to such subjects to gather together and to give some thought to the preparation of papers; and, however this may be, there is such obvious community of interest that to organize in connection with the Historical Association certainly seems better than to establish a separate society.

The first evening, Friday, a joint session was held with the American Economic Association at Drexel Institute. Mr. Joseph Wharton presided and welcomed the Associations. Captain A. T. Mahan, president of the Historical Association, discussed the subject of Subordination in Historical Treatment. He passed rapidly over certain fundamental but well-recognized attainments of every successful historical writer, such as thoroughness and accuracy of knowledge, intimate acquaintance with innumerable facts, and mastery of the sources of evidence; he referred only in a few words to the need of sound judgment and critical faculty in the discovery of isolated truth and in the estimation of particular facts. He dwelt at length on the necessity of organization of material, on the need of interpretation that brings out the essence of a subject. Knowledge acquired by faithful, rigid, acute examination of witnesses, and by the sifting of evidence is the material with which the historian has to deal, out of which he has to build up an artistic creation which is much more than a bundle of ascertained facts, however undeniable each individual assertion may be. To present numerous related truths so as to convey an impression which will be *the* truth is the difficult task of the writer of real history, the chief

problem of the man who would be more than a mere annalist, or the compiler of arid details. Ill-arranged particulars not only confuse and weary the reader, but often leave erroneous impressions that are not far removed from falsehoods. "For the casual reader emphasis is essential to due comprehension; and in artistic work emphasis consists less in exaggeration of color than in the disposition of details in regard to foreground and background, and the grouping of accessories in due subordination to a central idea." The function, therefore, of the historian is not merely to accumulate facts, at once accurately and in entirety, but to present them in such a way that the wayfaring man may not err in his understanding of them. Facts must be so presented as to show essential unity; but unity is not the exclusion of all save one, it is "a multiplicity in which all the many that enter into it are subordinated to one dominant thought or purpose of the designer, whose skill it is to make each and all enhance the dignity and harmony of the central idea."

Professor E. R. A. Seligman, the president of the Economic Association, spoke on Economics and Social Progress. He dwelt on the fact that great changes had taken place in America, whose history was the history of national infancy, and that in addition to other forces economic impulses are everywhere discernible. By fully recognizing the influence of economic strivings and conditions in the past one is better enabled to appreciate the meaning of the present and to look forward hopefully to the future. Such study helps to banish the idea that America's present prosperity must be followed by decadence. There are six points which differentiate us from the civilization of the past: first, the practical exhaustion of free land, without which slavery is not likely to exist; second, the predominance of industrial capital, which means not industrial aristocracy, but democracy; third, the modern application of scientific methods to industry, making for international friendship and coöperation; fourth, the development of a competitive régime, which is to be raised to a higher plane, and not destroyed; fifth, the emergence of a true public opinion; sixth, the existence of the democratic ideal.

The Saturday morning session was held in Houston Hall at the University of Pennsylvania. Provost Harrison of the university welcomed the Association and spoke of the history of the university and its relation to the past of the city. All the papers read during the morning were on subjects in American history. The title of Dr. James Schouler's paper was *The American of 1775*. It dealt chiefly with social and industrial conditions of the Revolutionary

days, and gave an interesting description of slavery and white servitude of the time. Dr. James Sullivan in a paper entitled *The Antecedents of the Declaration of Independence* sought to show where the main philosophical assertions of the Declaration had previously appeared in earlier writings. He did not seek to trace out in detail the modern compact philosophy with which Jefferson was imbued, nor to mark out the connection between the theories of Jefferson and those of the English philosophers of the seventeenth century. He confined his attention to ancient writers, bringing out the fact that Protagoras the Sophist in the fifth century B. C. had put forth the compact theory of the state, that Socrates had spoken of natural law, that Aristotle and Plato referred to fundamental laws to which formal laws should conform in spirit, and that by the beginning of the fifth century A. D. all of the important principles of the Declaration had been enunciated. The notion that there is a compact to obey kings appears in the writings of St. Augustine, where may also be found the thought that consent is the basis of government, and that obedience to bad laws can be refused. The influence of Augustine through the Middle Ages serves to connect the ideas of the ancient world with the philosophers whose thinking was more directly felt by the Revolutionary fathers.

Professor J. Franklin Jameson, of the University of Chicago, read a valuable paper on *Letters from the Federal Convention of 1787*, which will prove helpful to those who are seeking to understand the work of the Convention. These letters supplement the official journal, and the accounts of the debates given by Madison and others. The writers occasionally naively disregarded their obligations of secrecy and disclosed to their correspondents in some measure the character of the discussions that were in progress. By the study of these papers some additional light is gained on such important matters as the great controversy between the large and the small state parties. It is Professor Jameson's intention to publish in the *Report* of the Association other studies in the work of the Philadelphia Convention; among other things he will prove that we have no accurate text of any of the various plans that were introduced, and will show how the contents of these plans can be more fully determined by a comparative study of the journals and letters from the Convention.

Professor William MacDonald, of Brown University, read a paper on *A Neglected Point of View in American Colonial History*. He declared that in spite of the great activity in publication and investigation there obtains still a natural tendency to dwell on

matters of merely antiquarian interest, and that as a consequence the main lines of colonial progress and development are not properly traced and followed, that colonies are treated separately as if they were quite unlike in character and experience, and that as a result the trouble with England ending in war and revolution generally flashes upon the scene quite unexpectedly, thus losing for the average reader most of its real nature and actual significance. The thought to be emphasized is that the colonies were part of the English Empire; their progress should be studied as a part of the history of English colonization; only by such study can early American history be understood. An appreciation of this palpable fact would dissipate the atmosphere of provincialism with which our history is still enclosed. By the student not desiring to promote patriotism, but to show facts, the West Indian possessions of England must not be neglected as if they held no place and played no part in colonial history; the general position of these colonies, especially in the generation preceding the Revolution, is very important. While not stimulating to American pride, the truth remains that the sugar islands were more seriously considered by the mother-country than were her continental possessions. Professor MacDonald was also of the opinion that many phases of American life, notably slavery, could properly be understood only by a comprehensive examination of the conditions of the Empire. He also spoke in an interesting and suggestive way of the desirability of studying the introduction of English law into America, and its gradual modification by local usage and custom. This paper is in a measure supplementary to one read by Professor Herbert L. Osgood at the Washington meeting, which dealt with American colonial history as a part of the history of English colonization, and traced out in broad lines the relationship of England and her colonies in the seventeenth century.

An interesting paper on Reasons for the Withdrawal of the French from Mexico was read by Professor C. A. Duniway, of Leland Stanford Junior University. It examined the question as to whether or not the withdrawal of French troops which left the ill-starred Maximilian to his fate should be attributed, as writers customarily declare, to the interference of the United States and the plain intimation of Seward that the presence of a foreign army in Mexico could not be tolerated. Professor Duniway sought to show that the purpose of Napoleon was to build up in America a Latin influence able to counterbalance that of the United States, and that the true reason for giving up this earnest effort was overpowering necessity arising from many sources, and not simply the objec-

tion that came, late in the day, from Washington. Four facts, he said, were to be considered: the situation in Mexico, where it was plain that there was not the acquiescence in the rule of Maximilian that Napoleon had hoped for; such dissatisfaction in France, not only with the expense of Mexican conquest, but with several aspects of imperial plans and methods of administration, that there could be no reliance on the continuing support of the people; the disturbing conditions in Europe, where Bismarck's strong hand was already visible, indicating the desirability of France's husbanding her resources and concentrating her energies rather than seeking distinction beyond the sea; and lastly, the attitude of the United States, which must be considered only as a contributing cause for the abandonment of the somewhat quixotic enterprise. The first alarming note was sent to Mr. Bigelow, the American minister in Paris, November 6, 1865, when Napoleon was already under great pressure; and when the later threatening communications were sent by Seward the difficulty of retaining the army in Mexico was already nearly if not quite sufficient to determine the policy of the French government. By wise and judicious delay and by objecting at the critical moment Seward satisfied the demands of the people of this country, and yet took no serious risk of bringing on war with France. It may be said that, while this interpretation is less gratifying to American pride than is the usual interpretation, it does not detract from the wisdom of Seward's diplomacy.

The meeting of Saturday evening, at which Mr. Gregory B. Keen, librarian of the Historical Society of Pennsylvania, presided, was held in the rooms of that society, which are admirably adapted for the purpose. The first speaker was the Honorable James Breck Perkins, who discussed at some length the history of the French Parliaments. He spoke of the character and constitution of this body, and especially of the continuing controversy, which lasted with varying intensity for centuries, between the king and Parliament as to the right or the duty of the judges to register the ordinances of the king; this was a central line of constitutional history until the Revolution. Mr. William B. Weeden, in a paper on *The Art of Weaving, a Handmaid of Civilization*, aimed not to give a technical history, but to show how one of the humblest and most domestic arts has grown out of man's experience and his contest with nature. Prehistoric as well as historic materials were freely used, and the gradual development of the upright loom among simple peoples was illustrated by outline drawings. He likewise spoke of the great variety of human mo-

tives that have stimulated the weaver ; desire of comfort, awe in worship, pride of display, love of home, longing for symbolical utterance, have all moved him and contributed to his development and to the growth of his art. Professor Charles W. Colby, of McGill University, read a very entertaining paper on The Attractiveness of History.

The programme of Monday morning was in the field of European history. Professor Earle W. Dow, of the University of Michigan, in a paper on Some French Communes in the Light of their Charters advocated the following propositions : first, we shall have to modify present opinion in regard to the form and content of at least many of the charters ; far from being unarranged and unordered collections of numerous unexplained matters, they are oftentimes intelligible and sensibly arranged solutions of a few problems in local conditions : second, by looking at the communes through glasses thus readjusted we get a clearer view of such associations, especially of their early aims and business ; in many instances at least, it is quite evident that their main function was to aid in the maintenance of law and order.

Professor John M. Vincent, of Johns Hopkins, presented a paper on Municipal Problems in Medieval Switzerland, calling attention to the condition of the cities, which by the close of the Middle Ages had become sovereign states joined together in a feeble confederation, but practically independent. Their governments, therefore, touched the highest and lowest forms of administration : treaties with kings, private law, criminal law, markets, streets, and stray animals, all came within the purview of the municipal council. The necessity of city walls for military defense had a great influence on the inner life of the community. Two forms of government existed at this time in Swiss cities. In one the trade guilds had an important place and in the other they were forbidden ; the first formed a representative government, the other, an aristocracy ; both extended their powers over districts outside the city walls. The paper indicated briefly how under these circumstances trade, taxation, paving, police, social and private conduct, and other matters were regulated. Dr. Arthur M. Wolfson read a brief bibliography on Italian communal history, giving a classification of the best secondary authorities and of collections of source material. He added helpful critical comments on the more important works. The fourth paper, by Professor Henry E. Bourne, of Western Reserve University, was a condensation of the article appearing in this number of the REVIEW, the result of a fresh study of material in the French archives and elsewhere.

After luncheon in Houston Hall a short session was held, in which only one paper was read. It was by Professor James A. Woodburn, of Indiana University, on Party Politics in Indiana during the Civil War, a valuable treatment of an important subject. It dealt chiefly with the character of party opposition to the Lincoln administration. The "War Democrats" sought to bring about a cessation of party strife and to aid the vigorous prosecution of the war. The "Copperheads," as the Republicans contemptuously termed the extreme peace-party, were factious in their opposition, preferring the triumph of the Confederacy to the preservation of the Union by force. The main body of the Democrats in the state became almost exclusively a party of negation and obstruction, antagonizing Lincoln's conduct of the war, especially at all points where it seemed that the work of the administration might make for emancipation; they were a party of conciliation and compromise in the interest of slavery, a party of antipathy toward abolition and toward New England as the nest of abolition heresies, a party of traditional dissatisfaction with the tariff, of attachment to abstract principles concerning constitutional right and the rights of the individual against arbitrary government. The strange and fantastic proposal for the preservation of the Union by ending the war, involving as it did the formation of a Union party in the south able to suppress secession and to bring about a peaceable settlement between the sections, was almost the only constructive proposition put forth during the course of the war. Mr. Woodburn's entire paper, which will be published in the *Annual Report* of the Association, will discuss the struggle between Governor Morton and the Peace Legislature of 1863, the secret political orders of the state, arbitrary arrests, and treason trials, and will close with a brief consideration of the Milligan case.

At the second joint session with the Economic Association, which was held in Griffith Hall, Provost Harrison presided. The subject of Currency Problems in the Orient was discussed by Professor Jeremiah W. Jenks, of Cornell University, who was followed by Mr. Charles A. Conant, Mr. G. Bruce Webster, and Mr. Horace White. The article by Judge Simeon E. Baldwin which appears in the present number of the REVIEW was read at this session, an interesting treatment of what might seem at first an arid topic.

Tuesday morning was given up to subjects in diplomatic history, especially those suggested by the proposed Isthmian canal. The meeting was held in the rooms of the American Philosophical Society. Mr. Hiram Bingham, Jr., read an interesting account of the Scots

Darien Settlement in 1698. With new details and with reference to new materials, the story was told of the organization of Paterson's famous company, its dastardly mismanagement, the sufferings of the colonists, and the final miserable failure of the enterprise. Professor George G. Wilson, of Brown University, commented on a letter of Humboldt which was printed in this REVIEW (Vol. VII., p. 704); he spoke of the influence of the letter, and the value of the information and advice it contained. Professor L. M. Keasbey, of Bryn Mawr, rapidly traced the history of the Isthmian transit question and designated four distinct phases through which the policy regarding the transit between the oceans has passed: first, the very early national European policy, coming from the fact that Spain held colonies on the Pacific, and that England also desired influence in the region and sought to control the passage; second, the Anglo-American policy, ending in the Clayton-Bulwer treaty, which provided for the neutrality of the canal; third, the international policy, following the example of the international guaranty of neutrality of the Suez Canal; fourth, the American national policy, arising from the American practice of holding aloof from the European concert, as well as from our peculiar interest and commanding position in the Western Hemisphere.

Professor John H. Latané, of Washington and Lee University, in a paper on The Neutralization Features of the Hay-Pauncefote Treaty ably discussed the general principle involved in the term neutralization and tried to deduce from examples of so-called neutralized countries and waterways the real significance of the term, and the duties, rights, and obligations involved. He advanced the view that, while the Hay-Pauncefote treaty professes to establish neutralization, its provisions are in reality contradictory and ambiguous, and that so long as England wishes to maintain a free hand in the management of the Suez Canal, which she still does in spite of the convention of 1888, she will probably not be disposed to hold us to a strict interpretation of the Hay-Pauncefote treaty, for the conditions of the Suez and Panama canals are so similar that any rule which may be developed in the one case will in all likelihood be applied in the other.

In a paper entitled Central America and the American Foreign Policy Dr. J. M. Callahan emphasized the necessity of a study of the diplomatic correspondence of commercial as well as of political agents in Spanish America beginning with 1809; only by such study, he said, could one understand the development of the idea of the Monroe doctrine in the mind of Monroe, who was secretary of state from 1811 to 1817 and continued to read the despatches after

he became President. In 1823, after issuing his message, he sent one of his closest friends on a secret mission to watch the Holy Alliance. Dr. Callahan also gave a sketch of our relations with Central America from 1822 down to the end of the Civil War. It is noteworthy that in the time of Buchanan one of our prominent diplomats proposed in a long dispatch that the United States should enter into treaties of alliance with the Spanish-American republics on the basis of the Monroe doctrine and non-expansion toward the south. It is plain that during the Civil War Central America, fearing European intrusion and the possible encroachment of the filibusters, favored the cause of the north and Union, and became more and more friendly with the authorities at Washington.

Professor Theodore S. Woolsey was not present, and his paper was therefore read by Mr. J. B. Henderson, Jr., who had been largely responsible for the preparation of the programme for this session. The paper presented a parallel between the problems of the Suez Canal and those presented by the Panama Canal. The new canal, like the older one, would effect a change in the world's trade routes, and the courses of both canals lie within the limits of states themselves too poor and too weak to act as protectors. They will inevitably bring up political and military questions of similar import; they are alike in the early application of principles of neutralization by general guaranty and in the later substitution of national for international guaranty. Moreover, Professor Woolsey prophesied that as England has strengthened her hold upon Egypt to control Suez, so the United States, forced to protect the canal, is likely to acquire a certain political authority in Central America and to assume large responsibility for the conduct of the United States of Colombia. After the formal papers, Mr. J. G. Rosengarten, of Philadelphia, spoke entertainingly of the history of the American Philosophical Society from the time of its foundation by Franklin, one hundred fifty years ago, and of the valuable manuscript materials in the vaults of the society, not the least important being the original journals of the Lewis and Clark expedition, an exact transcription of which is soon to be published.

At the Washington meeting the members that were present from the south held an informal gathering and appointed a committee to investigate the status of historical study and teaching in the southern states, and to make a report at the Philadelphia meeting. This committee, of which Professor Frederick W. Moore was chairman, after a careful examination of more than sixty degree-conferring institutions, reported to the group of Southern members in

attendance at Philadelphia. The report showed that history is taught in every one, that each year fully half the students are enrolled in at least one class in history, and that while twelve colleges offer less than six hours per week there are sixteen offering more than twelve. In more than fifty of the cases examined the professor has to give a portion of his time to other subjects. The course in history offered is in many instances not strong, but the outlook is very encouraging. Noteworthy improvement in many directions has come within the past ten years. Some twenty institutions have extended their courses of history and have put the work in charge of young men who have taken their degrees from the best institutions in America and abroad. There are, moreover, many Southern students engaged in working for the doctorate in the larger universities of the country, and they are writing creditable dissertations and making important investigations of historical material; the professors in the southern colleges not only are offering stimulus to their students, but are themselves engaged in work of historical research. The committee recommended that investigation be made into the facilities offered by American colleges before 1860 for the study of history and allied subjects, as well as into the character of the instruction furnished. In accordance with this suggestion such committee was appointed.

The business meeting of the Association, which was held Monday afternoon, was not less interesting and significant than the other sessions. It showed that the Association is growing in strength and has to quite a remarkable degree enlisted the coöperation of the active historical workers of the country, each one of whom is ready to do his part in the various enterprises that are under way. The number of members is now so large and the different parts of the country so well represented that some new need in organization and in methods of administration is not unlikely soon to arise. The idea of having a special section for the consideration of questions in diplomatic history and of problems in international law and practice has already been mentioned. Something was also said at this meeting of the desirability of finding some means for the more intimate association of those especially engaged in the study of political science and kindred subjects. Such an informal organization as that made by the Southern members at Washington and continued at Philadelphia is an indication of the various interests included in the Historical Association, and an example of how those interested in a special line of work or in particular investigations may make use of the general gathering for furthering their study and the carrying on of their plans. After

all, in spite of the different elements that seem to be coming together, there is no great danger of disruption of the larger body. History, it may safely be said, is a commanding subject, and is not likely to be subordinated to other studies, while the capacity for organization and progress shown by its course in the past seems to prove the Association competent for solving the problems which its very advancement and success have brought in their train, and for working out the completer system which development and increasing interest may demand.

The report of the treasurer was as gratifying as usual, a tribute to the excellent management of Dr. Bowen. The assets of the Association were given at \$20,497.21, an increase during the year of \$6,019.56, of which \$4,953 came from the legacy left by Dr. Herbert B. Adams. The total membership of the Association is now not far from nineteen hundred. The most important new enterprise undertaken by the Association was a plan for securing the publication of a series of reprints of valuable early American narratives. This plan was approved by the Council and favored by the Association. Its adoption was coupled with the proviso that it should be expressly stipulated in any contract with the publishers that the Association should not be committed to purchasing any of the books or to giving any pecuniary aid to the enterprise. To carry the plan into operation a committee was provided for, whose duty it should be to secure a general editor and to give him such instructions as should define the relations of the Association to the undertaking and protect its interests. Professors George B. Adams, Albert Bushnell Hart, and George L. Burr were appointed as such committee; they subsequently chose Professor J. Franklin Jameson as general editor. The Historical Manuscripts Commission, through its chairman, Professor E. G. Bourne, reported that it was preparing for publication the diary of Salmon Portland Chase from July 21, 1862, to October 12, 1862, and the letters received by Secretary Chase in the years 1862-1865 from George S. Denison, collector of internal revenue in New Orleans. The letters are of considerable significance in their disclosure of actual conditions in Louisiana after the occupation by the northern army. It will also print about fifty letters of Mr. Chase to E. S. Hamlin, of Cleveland, Ohio, covering the years 1848-1860, and a selection of the letters received by Mr. Chase from prominent public men, mainly during the Civil War. The Commission further reported that Professor Frederick J. Turner is engaged in preparing for the printer the correspondence sent to the home government by Genet, Adet, and Fouchet, French ministers to this country in Washington's administration. Professor William

MacDonald, for the Public Archives Commission, stated that the forthcoming report will contain a description of the condition and extent of the public archives of Illinois and Oregon, as well as something concerning the Spanish and Mexican material bearing on the early history of Texas, now in the possession of the University of Texas; also that reports are in preparation on the archives of Maryland, California, and the Revolutionary counties of Carolina. Professor George B. Adams, chairman of the board of editors of the *AMERICAN HISTORICAL REVIEW*, made a short report on the work of the board, and commented especially on the number of substantial articles in European history that have been sent in for publication. Dr. E. C. Richardson, in behalf of the Bibliographical Committee, spoke of various plans that had been submitted and taken under consideration, and reported that full bibliographies of Louisiana and Florida were promised for completion in 1903. The committee has collected the opinions of various scholars as to the chief bibliographical needs at the present time and is taking steps, so far as replies relate to American history, to have the suggested fields covered either through private enterprise or with the help of the committee.

The committee on the Justin Winsor Prize, by its chairman, Professor Charles M. Andrews, recommended that the prize for the year 1902 be awarded to Dr. Charles McCarthy, of Madison, Wisconsin, for his monograph on "The Antimasonic Party," and that honorable mention be made of Mr. W. R. Smith's monograph on "South Carolina as a Royal Province." The committee stated that they desire all contestants to provide a critical bibliography of satisfactory character, that it is highly desirable that more attention be paid to style and form of expression than is usually the case, and also that for the convenience of the committee the manuscript should be neat and legible. The committee on time and place of meeting, composed of Professors William A. Dunning, A. L. P. Dennis, and F. H. Hodder, reported that various places had been considered, notably Madison, Chicago, and Nashville, but it seemed best to hold the next meeting in New Orleans, December 28-31, 1903. This report was adopted by the Association. The committee on nominations, composed of Professor George G. Wilson, Professor John H. Latané, and Mr. Maurice Zéligson, proposed for the ensuing year the following list of officers, for whom the secretary was instructed to cast the ballot of the Association: Mr. Henry Charles Lea, of Philadelphia, was elected president; Mr. Goldwin Smith, of Toronto, first vice-president; Mr. Edward McCrady, of Charleston, South Carolina, second vice-president; Mr.

A. Howard Clark, Professor Charles H. Haskins, Dr. Clarence W. Bowen, and Professor Samuel M. Jackson were reelected to the positions they had held during the preceding year; Professors George L. Burr and Edward P. Cheyney were chosen as members of the Council in place of Professor William A. Dunning and Mr. Peter White, who have served three years. Below is given a list of the officers of the Association, and also the membership of the commissions and committees, whose members are appointed by the Council.

OFFICERS AND COMMITTEES OF THE AMERICAN HISTORICAL
ASSOCIATION.

<i>President,</i>	Henry Charles Lea, Esq., 2000 Walnut St., Philadelphia.
<i>First Vice-President,</i>	Goldwin Smith, Esq., Toronto, Canada.
<i>Second Vice-President,</i>	Edward McCrady, Esq., Charles- ton, S. C.
<i>Secretary,</i>	A. Howard Clark, Esq., Smith- sonian Institution, Washing- ton.
<i>Corresponding Secretary,</i>	Professor Charles H. Haskins, 15 Prescott Hall, Cambridge.
<i>Treasurer,</i>	Clarence W. Bowen, Esq., 130 Fulton St., New York.
<i>Secretary of the Church History Section,</i>	Professor Samuel M. Jackson, 692 West End Avenue, New York.

Executive Council (in addition to above named officers):

Hon. Andrew D. White, ¹	Captain Alfred T. Mahan, ¹
President James B. Angell, ¹	Professor J. Franklin Jameson,
Henry Adams, Esq., ¹	Professor A. Lawrence Lowell,
Hon. George F. Hoar, ¹	Herbert Putnam, Esq.,
James Schouler, Esq., ¹	Professor Frederick J. Turner,
Professor George P. Fisher, ¹	Professor George L. Burr,
James Ford Rhodes, Esq., ¹	Professor Edward P. Cheyney.
	Charles Francis Adams, Esq., ¹

Committees:

Finance Committee: Elbridge T. Gerry, Esq., 261 Broadway,
New York, chairman, George S. Bowdoin, Esq.

¹ Ex-presidents.

Committee on Programme for the Nineteenth Meeting: Professor William A. Dunning, Columbia University, chairman, Professors George P. Garrison, Charles H. Haskins, Frederick W. Moore, and the Very Reverend Charles L. Wells.

Local Committee for the Nineteenth Meeting: Professor John R. Ficklen, Tulane University, chairman, President Edwin A. Alderman, William Beer, Esq., Professor Alcée Fortier and William W. Howe, Esq. (with power to choose their own chairman and to add auxiliary members).

Committee on the Entertainment of Ladies at the Nineteenth Meeting: Miss Ida M. Tarbell, 141 East Twenty-fifth St., New York, chairman, Mrs. George O. Robinson (with authority to add auxiliary members at the discretion of the chairman).

Delegates to the International Congress of Historical Studies at Rome: Hon. Andrew D. White, William Roscoe Thayer, Esq., and Worthington C. Ford, Esq.

Editors of The American Historical Review: Professors Albert Bushnell Hart, Andrew C. McLaughlin, H. Morse Stephens, George B. Adams, J. Franklin Jameson, and William M. Sloane.

Historical Manuscripts Commission: Professor Edward G. Bourne, Yale University, chairman, Professor Frederick W. Moore, Professor Theodore C. Smith, Reuben G. Thwaites, Esq., Professor George P. Garrison, and Worthington C. Ford, Esq.

Committee on the Justin Winsor Prize: Professor Charles M. Andrews, Bryn Mawr, Pa., chairman, Professors Edward P. Cheyney, Charles H. Hull, Williston Walker, and Roger Foster, Esq. (In Professor Andrews's absence during a portion of the year Professor Hull will act as chairman of the committee.)

Public Archives Commission: Professor Herman V. Ames, University of Pennsylvania, chairman, Professors William MacDonald, Herbert L. Osgood, John M. Vincent, Charles M. Andrews, and Edwin E. Sparks.

Committee on Bibliography: Ernest C. Richardson, Esq., Princeton University, chairman, Messrs. A. P. C. Griffin, George Iles, William C. Lane, Reuben G. Thwaites, and Professors Charles Gross and Max Farrand.

Committee on Publications: Professor George W. Knight, Ohio State University, chairman, A. Howard Clark, Esq., Professors Fred M. Fling, Samuel M. Jackson, Elizabeth Kendall, Anson D. Morse, and Earle W. Dow.

General Committee: Professor Henry E. Bourne, Western Reserve University, chairman, Professor Lucy M. Salmon, Miss Lilian W. Johnson, George E. Howard, Esq., Professors John S. Bassett, William MacDonald, George B. Adams, Charles H. Haskins, and Marshall S. Brown.

THE ORIGIN OF PROPERTY IN LAND

FROM the time when Montesquieu derived the medieval constitution from the primitive forests of Germany up to the last quarter of the nineteenth century those who spoke or wrote of the origins of institutions lived tranquilly. The matter was relatively simple. The stream of Germanic invasion swept over the decaying Empire, annihilating the old systems and introducing the principle of freedom and democracy, contained in institutions more or less rudimentary. This system, despite its varying destinies in different lands, possessed a unity and a sanction in natural law that enabled it to emerge again in the great days of 1848. It was under the influence of the political ideas then current that Waitz,¹ Kemble,² and the Maurers³ began to unfold the details of primitive German democracy. The kernel of this system was the mark, the free, self-governing village, with its little political assembly and its communistic agricultural arrangement, under which the title to the land was vested in the community. The mark was the typical form of Germanic settlement, and was reproduced wherever the German invaders found permanent homes. But under the corrupting influences of civilization and new economic conditions the free mark community gradually fell into dependence upon some one of its members, who, or whose successor, became manorial lord, the proprietor of lands which others occupied and worked. And as he had inherited the lordship, so did he also the jurisdiction of the earlier community. In this fashion the manorial system of the Middle Ages was readily accounted for. This doctrine was widely and enthusiastically received. In England Green⁴ and Freeman⁵ swallowed it whole, and even Bishop Stubbs⁶ gave to it a qualified assent.

¹ *Deutsche Verfassungsgeschichte*, Bd. I-4 (Kiel, 1844 ff.). Waitz was under great obligations to the earlier writers of the Germanistic school, notably Möser, *Osnabrückische Geschichte* (1768); Grimm, *Deutsche Rechtsalterthümer* (1828); Eichhorn, *Deutsche Staats- und Rechtsgeschichte* (1808-1823).

² *The Saxons in England* (1849).

³ Konrad Maurer, "Angelsächsische Rechtsverhältnisse," in *Kritische Ueberschau der Deutschen Gesetzgebung*, I.-III. (Munich, 1853-1856); G. L. von Maurer, *Einleitung zur Geschichte der Markverfassung*, etc. (Munich, 1854); *Geschichte der Markenverfassung in Deutschland* (Erlangen, 1856).

⁴ *Short History* (1893), 3-4; *Making of England* (1898), 175-188.

⁵ *Norman Conquest*, I. (2d ed.), 83-84, 96-97.

⁶ *Constitutional History*, I. (1897), 88-91.

The reaction against the ideal calm of this Germanic dispensation began in the seventies. Fustel de Coulanges in a work¹ published shortly after the Franco-Prussian War sounded the first note of controversy. But his doctrine was so generally opposed that he undertook to develop it in greater detail in a series of volumes, the completion of which was destined to be entrusted to the pious labors of his disciple M. Camille Jullian.² In America and England, meanwhile, Mr. Denman Ross³ and Mr. Seeböhm⁴ were working along the same critical lines marked out by Fustel. In 1885 Fustel dealt searchingly with the mark in an essay which may fairly be held to have relegated that institution to the limbo of unwarranted hypothesis.⁵ In 1891 Professor Ashley ranged himself under the banner of Fustel.⁶ These writers have been described, in contrast to their Germanistic predecessors, as a Romanist school, and this is just in so far as they all ascribe a certain importance to the influence of Roman elements in the formation of medieval institutions. But their common bond and their great contribution lies rather in the rigor and sanity of their critical method. The enduring part of their work, it is coming to be seen, has been destructive. They have dissipated errors such as the mark, and everywhere they have imposed caution and suggested doubts of hypotheses that were fast hardening into axioms. On the constructive side, they share an opposition to the doctrine of primitive German democracy, tending instead to represent early German society as aristocratic in its structure and to attach great importance to the survival and influence of Roman institutions in the lands conquered by the Germans. In this regard it is necessary to make due allowance for the reaction against the earlier and exclusively Germanistic doctrine.⁷ The attempts, for example, to show that the early Germans knew full ownership in severalty or to derive the English manor direct from the Roman *villa* have not in the long run proved successful.

In the last decade of the last century the pendulum began to swing back again toward primitive freedom, though not indeed to-

¹ *Histoire des Institutions Politiques de l'Ancienne France* (1875).

² 6 vols., 1888-1892. The work retains the same general title, but each volume has also a title of its own. The first and second volumes appeared in M. Fustel's lifetime.

³ *Early History of Landholding among the Germans* (Boston, 1883).

⁴ *The English Village Community* (London, 1883).

⁵ "De la Marche Germanique," in *Recherches sur quelques Problèmes d'Histoire*.

⁶ *The Origin of Property in Land*, translated from Fustel's essay in *Revue des Questions Historiques*, April, 1889, by Mrs. Ashley, with a valuable introduction by Professor W. J. Ashley (London, 1891; 2d ed., 1892).

⁷ This whole question, it will be remembered, had been raised in the eighteenth century for the purpose of justifying the privileges of the noblesse in France. See Boulainvilliers, *Histoire de l'Ancien Gouvernement de la France* (1727), and Dubos, *Histoire Critique de l'Établissement de la Monarchie Française dans les Gaules* (1734).

ward the mark. M. Flach argued strongly for the early existence of the free village.¹ Then Professor Meitzen put the Germanistic doctrine on a new and more secure footing.² He abandoned the mark theory and put forward a new reading of the twenty-sixth chapter of the *Germania*. But his most important contribution was the introduction of the idea of a typical form of Germanic settlement. A Germanic people, Professor Meitzen believes, will normally settle in a nucleated village, a Keltic people in isolated homesteads. This conclusion he reached after a minute examination of the rural economy of western Europe as it exists to-day and is recorded in maps and surveys of various dates. Professor Meitzen's system has wanted neither opposition nor support. In Germany Professor Hildebrand³ put forward a very different view of the condition of the primitive Germans. In England, meanwhile, Professor Maitland accepted Meitzen's doctrine and argued for the existence from early times of free villages with ownership in severalty.⁴

Thus a question which is essentially historical, which really needs to be decided before the adoption of any system of medieval or indeed of modern history, is seen to be one in which jurists and economists, archæologists and philologists, must come to the help of the historian and must receive his respectful attention. But the literature of the subject is very large, and much of it is special or local in character. To see the bearing of all these contributions, to determine, approximately at least, how at the present moment the main question stands, is no easy task. The attempt, however, has recently been made by a Russian savant whose equipment and experience ensure a careful consideration of his views.

Professor Maxime Kovalevsky has long been known for his erudition and for his sturdy belief in the comparative method of the study of institutions. As a young man he lived after the strictest sect of the Germanists, a pupil of Gneist, Brunner, and Nitzsch. He was in relation also with Fustel de Coulanges and had the honor of exciting the august wrath of that great scholar, who described him as one of those most responsible for the dissemination of Germanistic heresies with regard to the origin of property in land. Since then he has been active as teacher and writer in the departments of legal history and economics. Now he has undertaken to treat on a large scale the economic development of Europe

¹ *Les Origines de l'Ancienne France*, II. (1893).

² *Siedelung und Agrarwesen der Westgermanen und Ostgermanen, der Kellen, etc.*, 3 Bde. (Berlin, 1895).

³ *Recht und Sitte auf den verschiedenen wirtschaftlichen Kulturstufen*, Pt. I. (Jena 1896).

⁴ *Domesday Book and Beyond* (Cambridge, 1897).

in the Middle Ages.¹ The first volume of this work is devoted to the Roman and German elements in the development of the medieval estate and village community, and it provides a synthetic treatment of the whole subject which is of distinct value.

In harmony with the prevailing mental attitude, which moves men to look for truth on both sides of a controversy, Professor Kovalevsky offers a compromise. The problem, manifestly, is not so simple as it used to be. To assign an exclusively German or an exclusively Roman origin to all medieval institutions connected with the ownership or occupation of land is no longer possible. Such institutions are seen to be the result of a mingling of Roman and German elements. The nature of these elements, the proportion of their commixture, the forces that served to fuse the mass, these are the questions with which Professor Kovalevsky deals. It is the purpose of the present paper to pass in review some of the main points of his system with occasional comment or criticism.

From the foundation of the Principate until the end of the Western Empire, the Roman estate underwent various changes in respect to its outward form as well as its internal economy. It is important to realize that the *villa* of the age of Augustus differed in many ways from the *villa* of the age of Augustulus, for some writers, notably Fustel de Coulanges, have assumed that they were the same. At the earlier period a considerable number of free proprietors of small and medium-sized estates existed side by side with the rich owners of large estates cultivated mostly by servile labor. In the course of four centuries the great estate, absorbing those of small and of moderate size and reducing their proprietors to dependence, appears as the prevailing type of landholding in the Italian peninsula. This change was due to the working of several economic forces. The provinces, burdened with a heavy land-tax, applied themselves to more intensive forms of agriculture and began to export corn. The small proprietor in Italy found himself unable to compete with this influx of cheap provincial corn, on the one hand, and with the servile labor employed by the owners of great estates, on the other. Accordingly he drifted into debt and from debt into dependence, his farm going to round out the estate of his more fortunate neighbor. Then later the Church comes forward as a landlord on a large scale, building up great estates partly by gift or bequest, partly by bringing new land under cultivation.

¹ *Die ökonomische Entwicklung Europas bis zum Beginn der kapitalistischen Wirtschaftsform.* Mit Genehmigung des Verfassers aus dem Russischen übersetzt von L. Motzkin. In 6 Bdn. (Bd. I., Berlin, 1901.)

Within the estates another set of changes was going forward, from the beginning of the second century of our era. The chattel slave was becoming a predial serf, attached to the soil and owing his master certain fixed services and returns in kind. This was due partly to the falling off in the supply of prisoners of war, partly to the provincial competition which turned Italy to forms of agriculture for which the predial serf was better suited than the chattel slave. Then, owing to the decrease in population much land had fallen to waste. This was taken up by the government, by the municipalities, and by the Church, and let out either on long leases or by *emphyteusis*, and the latter system was made competent to private owners by the Emperor Zeno. There was a tendency to reduce tenants on these terms to the condition of *coloni*, persons bound to the soil, indeed, but protected against their lords by the determination of the rent and contributions which might be exacted of them.

These changes were of course not universal, and various forms of rural economy are to be found in the documents of the sixth and seventh centuries. As a general rule the estate fell into two unequal parts, the *curtis* of the lord, cultivated by his slaves under his personal supervision, and the shares allotted to tenants, whether free or dependent, upon varying terms. Within the latter the tendency was to normalize the condition of all tenants, assimilating them to the *coloni*. This was facilitated by the law of the Emperor Anastasius providing that the freeman who occupied the land of another should *ipso facto* be regarded as bound to the soil.

Thus the Roman *villa* as a legal and economic fact was by no means fixed and immutable. Rather, it changed as the economic conditions of Italy changed. When the Germans entered the Empire as conquerors, the *villa* had already assumed many of the external and internal characteristics of the great medieval estate.¹

Turning from the agrarian conditions of the Romans to those of the primitive Germans, all hope of definite or final results must be renounced. We must be contented with a scientific hypothesis. Nothing is to be gained by a rehandling of the text of Cæsar and Tacitus. Still the situation of the Germans as known to those authors must not be left out of account. The population was in all probability extremely scanty, according to a recent conjecture amounting to some three millions of souls within the area roughly bounded by the Rhine, the Alps, the Elbe, and the North Sea, a

¹ Dr. Brunner, in a stimulating passage in his *Deutsche Rechtsgeschichte*, sec. 59, has already pointed out the striking similarity of the economic and social conditions amid which the Roman and Frankish Empires went to pieces. Both had to face extreme economic inequality, a powerful official aristocracy, private military arrangements, personal dependence, and the power of the Church.

region, for the rest, abounding in forest and marsh.¹ There was, therefore, plenty of room for hunting and grazing, and no occasion to turn from these congenial occupations to the difficult task of agriculture, and where that was attempted it would be in coöperation. Under conditions of this sort there would be little or no economic development.²

The life of a Germanic folk (*civitas*) would be centered in some kind of a fortified place surrounded by waste or forest in which, when occasion demanded, men and cattle alike could find refuge.³ The arable land would naturally be situated far from such a center. The folk itself would be composed of a number of clans (*gens*, *Geschlecht*) themselves consisting of families (*cognatio*, *domus*). These last, however, are not the small family of modern times, but the house communion, a large, impartible family occupying and cultivating land in common.

This arrangement of clans and families is the keystone of M. Kovalevsky's system as far as the Germans are concerned; but he has unfortunately left it somewhat vague. By the clan he seems to understand that kinship-group known to the German legal historians as the *Sippe*. Now there is no doubt that in the time of Tacitus kinship was traced through the mother as well as through the father, for maternal uncles were called to the inheritance.⁴ It will be seen, then, that the clan would be a shifting body differing for all persons who did not happen to be the children of common parents, and incapable accordingly of having a local habitation.⁵ M. Kovalevsky does not meet this difficulty, but is content to describe the clans as close associations of relatives dwelling in common, "*gentes . . . qui una coierunt.*" Still, in view of the brilliant suggestions afforded by Mr. Seebohm's recent works,⁶ the matter cannot be dismissed lightly. For the house communion the principle of cohesion is double, consisting of the exclusion of women from the in-

¹ Kovalevsky assumes the general scantiness of population without defining the extent of Germania, and relying for the nature of the country on the Hessian material brought together by Arnold, *Ansiedelungen und Wanderungen Deutscher Stämme*. On the boundaries of Germania given above see Meitzen, *Siedelung und Agrarwesen*, etc., I. 33-42; on the population, Delbrück, in *Preussische Jahrbücher*, 1895. Cf. W. H. Stevenson, in *English Historical Review*, XVII. 626.

² For a brilliant, if somewhat erratic treatment of this aspect of the subject see Seeck, *Untergang der antiken Welt*, I. 179-221, a work which M. Kovalevsky seems to have neglected.

³ In confirmation of this view see Müllenhoff, *Deutsche Altertumskunde*, IV. 282.

⁴ Tacitus, *Germania*, cap. 20.

⁵ See this point well brought out in Heusler, *Institutionen des Deutschen Privatrechts*, I. 258-262; Maitland, *Domesday Book and Beyond*, 349; Pollock and Maitland, *History of English Law* (1st ed.), II. 237-245; cf. below note.

⁶ *The Tribal System in Wales* (1895); *Tribal Custom in Anglo-Saxon Law* (1902).

heritance, and the impartibility and inalienability of the family land occupied and cultivated in common. On this point especially Mr. Seebohm's work throws light, by bringing out the distinction between the strictly agnatic land-occupying group reckoned to the fourth generation, and the wergeld-paying group reckoned through father and mother alike to the ninth generation.

The *gentes* and *cognationes* of Cæsar, then, reappear in the *propinquitates* and *familie* of the line of battle as described by Tacitus, and in the *genealogiæ* and *faræ* of some of the Folk Laws. Now, in what relation to the land which they occupied and cultivated did these kinship groups stand? The answer to this question involves an exegesis of the terrible twenty-sixth chapter of the *Germania* of Tacitus. The *cultores* are the heads of individual families. The dilemma of *vicis* or *in vices* is met by a step aside into the tempting path opened by Meitzen when he suggested the slip of a copyist.¹ *In vicis* is no more than an incorrect extension of a contracted *vicinis*, and these *vicini* are the kinsmen, the members of the clan.² *Dignatio*, finally, is personal distinction determined by nearness of relationship to the common ancestor. Under these conditions a periodic redistribution of the arable land without any attempt at equality was made. The head of each household received a share proportionate to his *dignatio*, the size of his family, and the number of his cattle. The object of this allotment, it should be remembered, was not a specific area of land, but the right to occupy, that is, to clear and cultivate a certain proportion of the district of the clan.

Two characteristics of this arrangement should be emphasized. The agricultural system was purely extensive, a field-grass shift. The question of the ownership of land, in the Roman and modern sense of the word, was not raised. There was plenty of land, *superest ager*, and it probably never occurred to any one that it could have any value except in use. Under these conditions settlements might take the form either of villages or of isolated homesteads. The system of free occupation just now described and the convenience of having the plow-beasts near at hand would produce isolated homesteads; the danger of attack, nucleated villages. Any attempt to set up a typical form of settlement based on race psychology will prove unsuccessful.³

¹ Meitzen, *op. cit.*, III. 574-589.

² Even in the pursuit of an hypothesis one boggles at this, particularly as the reading *vicis* occurs in but one manuscript, and of that the original is lost. See Müllenhoff, *op. cit.*, IV. 365.

³ M. Kovalevsky, on the strength of what he himself describes as a scientific hypothesis, vehemently rejects Meitzen's theory of the nucleated village as the type of Germanic settlement.

Thus at the close of the first century of our era the Germans, thinly scattered over a wooded and marshy country, lived mainly by hunting and grazing. Their tribal organization, their primitive rural economy, and the abundance of land, all conspired to postpone until a later period any questions about ownership. But an increase in population, and the greater attention paid to agriculture in consequence, was destined soon to raise that question.

The way being prepared by an examination of Roman and early German conditions, we are presented with a formula that is designed to solve the problem of the origin of property among all the German peoples. It may be somewhat baldly stated as follows: the primitive Germans knew no ownership of land, only free occupation conditioned by tribal-family organization. But when they received royalty and the Church they were brought into contact with new ideas which kings and clergy, for reasons of their own, had drawn from Roman sources. The kings as successors of the Roman fisc in conquered provinces, and the clergy seeking an endowment for the Church introduced among the Germans the idea of the perpetual appropriation of land to the exclusive use and disposition of individuals or corporations. For a time this system and the elder Germanic arrangement of family occupation with no question of ownership existed side by side. The task is now to bring into this frame what we know or have inferred about the land systems of the various Germanic peoples who settled in, or were influenced by the Roman Christian Empire.

The Lex Salica and the capitularies connected with it as the eldest monuments of Germanic law¹ are to be considered first. These are not to be studied in isolation or interpreted by themselves. They should be brought, rather, into relation with what we know of the environment under which they came into being. The sparseness of population, the predominance of the pastoral life, the lack of sharp economic and social contrasts, as in wealth and status, the progressive absorption of, or fusion with the Roman provincials in Gaul, are facts which must be considered in interpreting the Lex Salica. It will be necessary to show that the Franks at the close of the fifth century were living under essentially the same legal and economic conditions as the early Germans, free occupation, namely, by family groups now fastened to the soil in villages, lordless, it is true, but not necessarily either self-governing or land-owning. To do this at all, two points will have to be established:

¹ Euric's laws are probably older than any form of the Lex Salica that we possess, but in Euric's time the Visigoths had been for more than a century under the direct influence of Roman civilization. See Schröder, *Lehrbuch der deutschen Rechtsgeschichte* (3d ed.), 233, and the literature there cited.

first, that it was in movables only that the Lex Salica knew private property; and second, that village communities held together by a bond of kinship and occupying land in common actually existed.

The proposition so stated can scarcely be maintained. Part of the evidence establishes at least a very strong presumption for the existence of some form of individual ownership in land. The law authorizes a man to appropriate arable surfaces and to enclose them from seed-time to harvest, protecting him against injury to his enclosure or to his crop during that period.¹ In the face of these conditions expressed in such phrases as *campus alienus, messis aliena*, etc., it is hard to see how the complete absence of private ownership can be proved. The degree of ownership is a different matter. When land has value only in use, its subjection to the will of an individual during the period of its chief usefulness may well be called a mode of ownership.² Again, Mr. Seebohm has been showing us recently how to look at these questions from a new angle, namely, that of an undivided family occupation of land which in respect to house and curtilage will not exclude ownership in severalty, and which under certain conditions of tribal readjustment will admit the possibility of a distribution not *per stirpes* but *per capita*.

The existence of free villages at this period is more credible than the complete absence of private ownership. The word *villa* in the Latin of the Lex Salica and other documents of the time must not be restricted, as Fustel was inclined to restrict it, to the sense that it bore in the first two centuries of our era. The Roman *villa*, as we have seen, had itself altered in the intervening time. Then, too, the thing hidden under the word in our texts³ will not square with what we know of the Roman *villa*. For one thing, the communities here contemplated seem to be too large to be settled on a single proprietary estate. The *vicini*, again, who are mentioned as oath-helpers in a dispute between two *villae* suggest the settlement of groups of kinsmen. Finally, the formidable title *De Migrantibus*, the subject of such abundant and contradictory exegesis, may be most readily explained by supposing that the single voice able to exclude a would-be settler is that of one member of a community having equal rights in the lands of a village

¹ Lex Salica, titles XVI., XXVII., XXXIV. (ed. Hessels and Kern, London, 1880).

² On this point cf. the somewhat fine-drawn remarks of Blumenstok on the dualism of the legal subject in respect to land at this time. *Entstehung des Deutschen Immobilien-eigentums*, I. 250-266. (Innsbruck, 1894.)

³ Lex Salica, titles III., VI., XLV., LXXIII.

settlement.¹ Here again Mr. Seebohm tends to reach the same result by a different path, suggesting that the objectionable intrusion was not so much that of a new member of the community as of a new idea, individual appropriation.²

These conditions, it seems, were transitional. With a growing population and an increasing interest in agriculture this system of free occupation might pass into one of common occupation, and eventually perhaps common ownership, or it might dissolve into private ownership, or these forms might coexist in varying proportions; all would depend upon the environment. As it happened, the environment of the Frankish conquerors of northern Gaul furnished a strong solvent for the old system of free family occupation. First there was the king already, as heir to the Roman fisc, a great proprietor in the Roman sense, and authorized under certain conditions, as where a crime had occasioned forfeiture, to take the place of a dead man's kindred and put the idea of individualism into direct competition with that of family possession. Then, too, fiscal lands were granted to the Church and to private persons, who were holding them just as the great Roman estates had been held. The Church, finally, was concerned to spread the idea that title might be acquired by prescription, and found a response in the common human instinct toward the hereditary transmission of property.

Thus the primitive German system transplanted into Gaul began to unfold, and at the crisis of its development was given an impulse that sent it in the direction of individualism. This impulse came originally from Rome and was transmitted to the Germans by two institutions to them relatively new, namely, the Church and royalty.

The transition from the common occupation of land in the Lex Salica to the private ownership of the Folk Law of the Carolingian period may be illustrated from the Lex Ribuaria. Take, for example, the alienation of land. By the elaborate process of *affatomia*³ a childless couple could convey their personalty (*fortuna*) to a stranger, but they were forced to adopt him and convey the property at once. A capitulary of A. D. 819 assimilated this clumsy method, half-way between adoption and testament, to the *traditio*⁴ of that time, which was commonly used in connection with realty. Between these extremes stands that title of the Lex Ribuaria⁵ which

¹ *Ibid.*, title XLV. See the literature cited in Schröder, *Lehrbuch der Deutschen Rechtsgeschichte* (3d ed.), 205-206. Fustel's explanation (*Revue Générale du Droit*, 1886) has been accepted by Hildebrand, *Recht und Sitte*, etc.

² *Tribal Custom in Anglo-Saxon Law*, 150-163.

³ Lex Salica, title XLVI.

⁴ Capit. Leg. Sal. add. an. 819, c. 10 (ed. Boretius ap. Behrend, *Lex Sal.*, p. 115).

⁵ Lex Ribuaria, title XLVIII. (ed. Sohm, *M.G.H., LL.*, V.).

permits a childless couple to dispose of the whole of their property to the heir of their choice, either by a written document or by a *traditio* in the presence of witnesses. From this and from two other regulations,¹ which provide respectively for the arrest of a man on the land of another, for the punishment of those who encroach on the land of a neighbor, and for the purchase and sale of realty, it may be inferred that already in the first half of the seventh century men were holding land in private ownership under the Folk Laws.

Three categories of ownership in severalty may now be distinguished among the Franks: first, that deriving from the Roman law and including whatever lands the Church held; second, that deriving from the royal authority and including clearings either made with the king's consent (*conquisitum*) or subsequently authorized by him (*adtractum*) (in the possession of such property the holder would be protected by royal law); finally, that limited form of ownership deriving from the Folk Law (land held in this fashion—the *terra aviatica* of the Lex Ribuaria—was still subject to certain restraints on alienation, and enjoyed only a restricted legal protection).

The period between the codification of the Folk Laws and the general legislation of the Carolingians may be illustrated from the formularies that were composed in regions where the Salian and Ribuarian laws obtained. These are Marculf's book, those bearing the names of their original editors Lindenbrog and Merkel, and the collections made at Angers, Tours, and Sens. These documents are to be regarded as Roman in substance as well as in form, with the exception of Marculf's book.² They illustrate the action of the royal power and the Church on the Folk Law, in legalizing certain dispositions of land not authorized by that law, such as the admission of daughters to the inheritance, representation of deceased heirs, and grants of real property. Here again we may trace the differences in degree and kind of ownership back to three sources, clearing, royal grant, inheritance.

We turn from the Franks to their Germanic neighbors. The nature of the settlement of the Burgundians in Savoy (A. D. 437) and the Lyonnais (A. D. 456) was such as in a great degree to obliterate their earlier habits in relation to the land. They came rather as guests than as conquerors invited for the special purpose of correcting the decrease in the population. Private owners, accordingly, were glad to share their lands with the new-comers who

¹ Lex Ribuaria, titles LIX., LXXVII.

² This assumption is contrary to the conclusions of Brunner, *Deutsche Rechtsgeschichte*, I. 403 ff.

were willing to take over part of the burden of taxation. In this way the Burgundians received two-thirds of the land and one-third of the *coloni*, and proceeded to settle in communities (*faræ*) composed in all probability of groups of kinsmen.

But this land had come as the direct gift of the Empire. It is not surprising, therefore, that when under King Gundobad (474–516) the Burgundian law was written down many norms of the Roman land law found their way into it. Thus the Burgundian Folk Law, as we have it, allows free disposition of property in immovables, and gives legal protection to such disposition. Still, traces of earlier conditions may be found in the common occupation of mountain, forest, and pasture-land. Then the single formulary of Burgundian origin that we have, the *Collectio Flaviniacensis*, shows the triple division of landed property into *alod* (inheritance), *adtractum* (clearing), and *comparatum* (purchase) which we have already met with among the Franks. The Burgundian kings also had fiscal lands from which grants could be made. Finally, the *alod* held under the Romanized Burgundian law was a much less restricted form of ownership than the *terra aviatica* of Frankland.

In dealing with the Visigoths, we must consider first the influence of their long sojourn in the Empire before they were permitted to make permanent settlements in Gaul and Spain, and then the twofold division of their law itself. The *Antiqua*, whether made by Euric (486) or Reccared (586), is a record of Visigothic law at a time when the Visigoths were separated from the Romans by a difference in creed and by the existence of a code of Roman law—the Breviary of Alaric—intended to be observed in the Visigothic kingdom. Under Recceswinth (649–672) these distinctions had vanished and his law-book, therefore, illustrates different and later conditions.

As in the case of the Burgundians, the nature of the Visigothic settlement, and the strong infusion of Roman civilization to which they had been subjected have obliterated most of the Germanic traits of their land laws, even in the *Antiqua*. The idea of private ownership is already well developed. Land may be alienated either by document or by witnesses, and freely devised; sisters inherit with brothers, and wife from husband or husband from wife, failing heirs to the seventh degree. As for Recceswinth's book and the formularies which illustrate the legal practice of the time, they are in substance, although retaining some Germanic qualities, royal and Roman law respectively.

The nature and organization of the proprietary estate from the time of the Frank settlement in Gaul to the fall of the Carolingian

line is to be derived from an examination of chartularies, polyp-tycha, and other documents illustrating agrarian conditions. In southern Gaul; where the provincial population stood thick, the Roman estates seem to have been undisturbed, but in the north they were considerably restricted to make room for the new settlers. In the course of four centuries of Frankish rule, however, these great estates underwent certain modifications owing largely to Germanic influences. The system of administration set forth in the *Capitulare de Villis* is probably a counsel of perfection. Private owners lacked, as appears from the chartularies, any such articulated system of administration, and contented themselves with a steward (*villicus*, *cellarius*), who had the general management of the estate and under whom the heads of tithings (*decani*) chosen by the tenants performed certain special functions.

The whole estate fell into two unequal parts. The former of these comprised the lord's house with the adjacent arable in three, four, or six fields and the appurtenances of vineyard, meadow, and forest. All that remained was generally occupied by the *mansi* of free and dependent tenants. As a rule the number of *mansi ingenuiles* exceeded that of *mansi serviles*, but the former were held by persons of varying status. Freedom was personal, the amount of service required of slaves, *coloni*, and free dependents varied with the size of their holding, not with their status, but the tendency was to confound all distinctions by normalizing services. On many estates there were also two classes of persons not included in this scheme and having personal freedom although economically dependent. These were *hospites*, who received land in full ownership against stipulated services, and precarists, who occupied the land of another upon special terms. These from the eighth century were commonly freemen who had commended themselves with their land.

The system of coaration which required all tenants to contribute their beasts and their labor to work the lord's demesne, had its origin in the neighborly practice of mutual help. Later it hardened into a manorial custom, just as within the community of a great estate the principle of dependence triumphed over that of freedom. But the plan of coaration was not uniform. Sometimes the whole demesne was ploughed by the full team of the peasants' beasts, again some portion of the fields would be allotted to each peasant house to be worked separately. There is, accordingly, no organic connection between coaration and the open-field system, nor is the size of a peasant's holding determined by the number of beasts he can contribute to the common team. The system of

coaration, indeed, was confined to the demesne, and even there it was not the general rule. The peasants worked their own land with a light plow drawn by a single yoke of oxen. Thus the number of beasts a peasant could contribute to the common team was determined by the size of his holding and not, as Seeböhm argued, contrariwise.

It will be seen, then, that the personal dependence of the eighth century had not been stereotyped into a system of caste. No hard and fast line could be drawn between free owners and unfree tenants. The whole complex consisted rather of many elements, free and unfree, having Germanic as well as Roman origins.

The evidence of the Alamannian laws and documents has next to be considered. It should be remarked that the Roman population by no means disappeared in the region appropriated by the Alamanni. In the ancient Rhætia, particularly, the survival was very considerable. In the Lex, or later recension of the Alamannian law, accordingly, both Roman and Christian influences may be discerned. The latter were reinforced by the subjection of the Alamanni (496) to the Christian Franks.

This ecclesiastical influence shows itself in the Lex in several provisions tending to individualize the ownership of land and so to facilitate its conveyance to the Church. All opposition to land grants in favor of the Church is forbidden, and in order to promote such grants the law directs that family inheritances be divided among the heirs. Again, it is provided that where the right to land was questioned, title must be defended by the production of written documents, a way, of course, not open to those who were holding under Folk Law.

The classification of ownership according to its origin into *alod* (inheritance), *adtractum* (clearing), and *conquisitum* (grant) recurs in the Lex and in the Alamannian documents.¹ The Church, clearly, is largely, if not wholly, responsible for the existence of the third of these categories. Now if the responsibility for the second can be fastened on the Roman law, and if it can be shown that the limited ownership of the *alod* grew out of a primitive family possession, passing, as the family tie loosened under the play of new forces, into some form of individual ownership, then an important step will have been taken toward the establishment of Professor Kovalévsky's thesis. The attempt is gallantly made, but is not, I think, altogether successful.

¹ These are to be found in Wartmann's collection, *Urkundenbuch der Abtei St. Gallen*, 4 Th. Zürich, St. Gallen, 1863-1892.

A clearing of new land, it is contended, since it involves after all an appropriation from the common stock to the use of the individual, and since the notion of title acquired by prescription was strange to Germanic law, would secure for the pioneer only the right of occupation, the title remaining in the community. The influence of Roman legal ideas will be required to convert such a *right of occupation into title of ownership*. But this argument is open to two grave objections. The attempt, in the first place, to vest the title to land in a primitive community is hazardous. He who makes it must face the dilemma of regarding the community either as a company of joint owners, which is a mode of individual ownership, or else as a true corporation, a *persona ficta*. The first alternative contradicts the hypothesis, the second involves, to put it mildly, a serious anachronism.¹ Again, there is reason for believing that Germanic law recognized the principle that ownership is the reward of labor, which, in the present case, would produce the same result as the Roman idea of title by prescription.²

It remains to be seen how the hold of the kinship group over the land was relaxed, permitting land that had originally been held in common possession to pass into the full ownership of a limited number of proprietors. The original settlement may be supposed to have been made by a clan³ (*gens*, *Geschlecht*) rather than a fam-

¹ See on this point Heusler, *Institutionen*, I. 258-262; Flach, *Ancienne France*, II. 43 ff. Cf. Maitland, *Domesday Book and Beyond*, 340-348; *Township and Borough*, 20-24; introduction to Gierke, *Political Theories of the Middle Age*, xx. ff.

² Schröder, *Lehrbuch der Deutschen Rechtsgeschichte* (3d ed.), 205; Brunner, *Deutsche Rechtsgeschichte*, I. 205.

³ One searches in vain for a satisfying definition of the clan from those even who have most to say about it. The family, on the other hand, may be regarded as a group bound together by the will of a common ancestor, living or dead, within a degree near enough to secure a certain unity. Thus, although few of a group of second cousins may have seen their common great-grandfather face to face, yet his memory will be preserved to them by their fathers, who have seen and known him. Such a group, whether living in undivided house communion or not, will still have a natural unity. But if we suppose that the clan consists of the whole group of kinsmen reckoned outward to the degree at which mutual responsibility ceases, there will be no such natural unity, unless indeed we make the further and unwarrantable assumption of a strictly maintained system of endogamy. Mr. Seebohm's distinction between the group of land-occupying kinsmen, extending to the fourth degree, and the group naturally responsible for wergeld and oath-helping, extending to the ninth, has been very helpful in the difficulty. But the clan remains, I think, an idea too vague to be operated with in Professor Kovalevsky's summary fashion. The evidence brought to support the theory of clan settlement among the Alamanni consists of the use of the term *genealogia* in the Pactus and in the Lex Baiuvariorum, interpreted by the patronymic form of many Swiss place-names and by the survival into the late Middle Ages in parts of Switzerland of the blood-feud responsibility extending beyond the household to the entire kinship group. In regard to the former point Mr. Round's essay on the "Settlement of the South-Saxons and East-Saxons," in *The Commune of London*, 1-28, has opened the way for the critical study and classification of patronymic place-names. The second point loses much of its force

ily or household. But in the course of the seventh century, under the influence of family divisions, the clan gave way to the family in relation to the arable, retaining, however, its control over all the remaining land of the settlement. Then the fusion of the two races, the introduction of the Rhæto-Roman into the rank of possessors, some as owners, but the majority as *coloni*, tends to loosen the kinship bond. The clan-group of kinsmen becomes the mark-group of *vicini*, without losing, however, the common use of all but the arable lands of the settlement.

But this mark community of the ninth and tenth centuries lacked that internal equality upon which von Maurer and his school laid such emphasis. There was, on the contrary, a small number of free proprietors holding "ideal shares" of the mark land while a crowd of dependents enjoyed a usufruct of these lands deriving from the *jus* of their several lords. This "ideal share" was capable of realization as soon as the Germanic law under which it was held had been sufficiently subjected to Roman influences. The great proprietary estate rose rapidly on such a foundation to realize the ambition of a land-hungry Church and aristocracy. Grants of immunity from the central power were converted by the beneficiaries into local jurisdiction. The voluntary assumption of a dependent relation by freemen burdened with fiscal and military obligations, or embarrassed by failure of crops and famine, increased the number of justiciables. In this fashion from above and from below the process was hastened. Thus the old thriftless communal system gave way to the more profitable rural economy known to the Roman law and practised by the Church. But the resulting economic advantage was attained only at the cost of a serious restriction of personal freedom.

The conditions under which, at this period, land was held in the Italian peninsula must be considered next. Here the influence of the successive Germanic occupations upon the Roman agrarian system turns out to be even more insignificant and external than has generally been supposed. The Ostrogoths frequently contented themselves with a division of the produce rather than of the land. In the Exarchate, where the imperial tradition survived longer than in any other part of northern Italy, and immediately about Rome, where much land was held by churches, living Roman law, the old conditions, even the old terminology survived with very little change.

if Mr. Seebohm's distinction between the land-occupying and blood-feud groups be accepted. On the subject of the clan cf. Jenks, *Law and Politics in the Middle Ages*, chs. III., V., VI.; Ashley, *Surveys*, 144-146.

AM. HIST. REV., VOL. VIII.—29.

The Germanic occupations, however, had served to increase the population and to weaken if not entirely to destroy central authority. These changes are reflected in the internal relations of the great estates; and by the eleventh century the predial serf has almost wholly given way to the tenant holding by lease but standing in a relation of personal dependence to his landlord. The increase in population created a need for land, which was met either by clearing or by some other means of taking new land under cultivation. This broke up the old uniform relation of groups of dependent cultivators to the land which they worked. Meanwhile the breakdown of the central administration shifted to those private persons whose means allowed it the responsibility for, and by consequence the control over a large part of the population. This transformation of the Roman *adscriptus glebæ* into the medieval dependent peasant was also furthered by the growth of a body of local custom, which tenants were always ready to use in self-defense against their lords.

In the Po valley, where the Lombard settlement was comparatively dense, both status and modes of ownership were deeply affected by Germanic influence. The curt sentences in which Paul the Deacon describes the Lombard settlement have given rise to a controversy similar to that which still rages over the twenty-sixth chapter of the *Germania* of Tacitus. Two stages of settlement are recorded. After the fall of the Lombard kingship at the death of Klephth (574) the Roman proprietors were forced to divide their property with the Lombards at the rate of one-third of the gross profits. Ten years later, when the royal power had been reestablished by Authari, a new division was made. This has been regarded either as a further application of the principle on which the Lombards had already begun to fit themselves into existing arrangements or as the introduction of a new principle upon which the land and *coloni*, rather than the profits, were made the subject of division.

Status was affected by the weakness of the central government. The Germanic principle of personal protection was largely substituted for public authority. This protection was sought even by free Romans, although it involved a measure of dependence. Free men, too, were holding unfree land. Then the Lombard *aldio*, who although economically dependent was personally free, was assimilated to the Roman *mancipius*, and the two gradually fuse into a new class—the medieval *rustici* or *contadini*.

The Lombards, finally, are supposed to have introduced a system of communal possession, the use of undivided land with occasional readjustment. This contention had already been made

by Schupfer¹ but without much success, and has recently been rejected by Professor Vinogradoff.² Professor Kovalevsky holds the view of Schupfer, which may be supported, he thinks, by new arguments. The communities in question were formed, he supposes, by settlements on unoccupied land. These would be taken up at first on hereditary leases and would pass, either insensibly or by direct purchase, into the ownership of the community.³

The question of land-owning among the Anglo-Saxons, as having an especial interest for English and American students, may be allowed to detain us at some length. It can no longer be said that the Anglo-Saxon conquest made *tabula rasa* on which the conquerors wrote a purely Germanic constitution. Nor, on the other hand, can any general survival of Roman institutions be proved. Due allowance must be made for both elements. Since our authorities do not mention any division of land between the conquerors and the conquered, it may be inferred that none took place, particularly as there is reason to believe that a great part of Britain was still uncultivated. The country was not covered with a network of estates worked on the three-field system. It may be inferred rather that most of the land was cultivated on the extensive two-field system as late as Ine's time.⁴ This would imply either that it had been cleared by the conquerors or that they had not maintained the earlier arrangements.

On the other hand, Professor Kovalevsky believes that the Roman clergy that had taken no direct part in repelling the invasions were left in undisturbed possession of their land, and so carried over from Roman to Saxon-Christian times the Roman law idea of private ownership. This somewhat startling doctrine he derives from a passage in Eddi's *Life of S. Wilfrid* and a notice in Elmham's *History of the Monastery of St. Augustine at Canterbury*. Eddi relates that Wilfrid, at the dedication of his church at Ripon, publicly announced its endowment, consisting of the gifts of vari-

¹ This view seems to have been advanced in a work published in 1863 under the title of *Istituzioni Politiche Langobardische*, which I have not been able to see.

² *Entstehung der Feudalbeziehungen im Langobardischen Italien*, cited in Kovalevsky, 346, *et passim*.

³ The text cited in support of the statement that a village or union of villages held such leases seems scarcely to bear that sense. "Et si minime fecero ad redendum vobis sic, me distringere debeatis, sicut alios colonos vestros" (Troya, *Cod. Dip. Lang.* ann. 777, p. 99). If a man fails to meet his obligations to his lord, he may under the local custom be distrained like any other colonus; what could be more individualistic?

⁴ See Ine, caps. 64-66, in Schmid, *Gesetze* (2d ed.), p. 52, providing that those who wish to leave their land must show that more than half of it is under cultivation *gesettes*, which could not be under the three-field system. Mr. Seeböhm reads this passage very differently, understanding *gesettes* as let out to tenants. See *Tribal Custom in Anglo-Saxon Law*, 417-436, and particularly p. 422.

ous Northumbrian kings "et ea loca sancta . . . quæ clerus Brytannus aciem gladii hostilis manu gentis nostræ fugiens, deseruit."¹ These *loca sancta* are supposed by Canon Raine, the editor of the *Life*, to be ruined Roman churches which Wilfrid restored and re-dedicated. Now, it is somewhat difficult to make out how the existence of ruined church fabrics deserted in the sixth century by the British clergy proves that in the seventh century the successors of those clergy were in undisturbed possession of their land. The statement in Elmham's book is to the effect that before Augustine's coming the Benedictine rule was not observed in England, although there, as elsewhere, congregations of monks *sub regula institutæ* had existed from the foundation of Christianity, as the reader may remark in *diversis chronicis*.² Now this proves nothing to the question; it is the expression by a fifteenth-century churchman of the official view of the history of monasticism, but it is not, as every reader of church history knows, historically true. It can not, therefore, be taken as evidence that British monastic communities survived the Germanic invasions of Northumbria in undisturbed possession of their land.

Finally, this point is not essential to the general theory of the mingling of Roman and German elements in the system of land-ownership. The Roman idea of full ownership may equally well have affected Anglo-Saxon land tenures whether it touched them as a survival from the Roman occupation or was reintroduced by the Church in the seventh century.

The Anglo-Saxon kings came into possession of such lands as had formerly been held by the British rulers and the Roman aristocracy, of whom the majority may be supposed to have been killed. These lands were held as *terræ regis* in hereditary proprietorship. Whatever land, cultivated or uncultivated, was not held by the king or the Church was originally *folc land*. It was held, that is, under the Folk Law, which permitted neither alienation nor bequest. At the time of the settlement such land would seem to have been held rather by families than by individuals. Professor Kovalevsky seeks to establish this point in connection with the phrase "ethel land." *Ethel* and *adel*, he argues, following von Maurer, have the same root, and *adel* originally has the sense of family (*Geschlecht*) and only by derivation that of nobility. Again, the patronymic character of many English place-names would point to an original settlement by a group of kinsmen.³ The word *mægburg* in *Beowulf*

¹ *Vita Wilfridi Episcopi Eboracensis auctore Eddio Stephano*, in *The Historians of the Church of York* (ed. Raine, Rolls Series), 25.

² *Historia Monasterii S. Augustini Cantuariensis* (ed. Hardwick, Rolls Series), 199.

³ Cf. on this point Mr. Round's essay in *The Commune of London*, 1-28.

and the Anglo-Saxon laws indicates a fortified place to which a group of kinsmen might resort for protection.¹ Such a settlement would be made by a large undivided family (*Hauscommunion*) which by the seventh century had broken up into small individual families under the resolvent action of Church and State. Thus the Anglo-Saxon *ethel land* is essentially the same as the *terra aviatica* of the Ribuarian law.

The difficulties of reaching this point by the path Professor Kovalevsky has traveled are very grave. For one thing, the word *ethel* in the sense of land held by groups or individuals is not used in Anglo-Saxon documents. When the word occurs it has the sense of fatherland, *patria*.² Von Maurer's argument, therefore, falls. Again, in assuming a common settlement and possession of land by family groups Professor Kovalevsky has not met the weighty objections of Professor Maitland,³ nor Mr. Round's argument tending to show that patronymic place-names may in many cases point to the original settlement of an individual in an isolated homestead rather than in a family group.⁴ There is, however, another path by which somewhat similar conclusions may be reached, and this Mr. Seebohm has been pointing out in his two works on tribal custom. By distinguishing between the family as *wergeld-group* reckoned to the ninth generation, and as *land-occupying group* reckoned to the fourth, Mr. Seebohm has shown how Professor Kovalevsky's difficulty may be avoided, particularly as the narrower group was for the purposes of inheritance strictly agnatic.

It may be reasonably supposed, then, that the social development of the Anglo-Saxons, like that of other German peoples, began with the predominance of the family, and that Church and State coöperated to weaken and at length to destroy that predominance. This is illustrated by the learning of recent years with regard to the *land boc*. By means of such a document the king conveyed to the Church or to a private person the right to take the royal tribute in a certain district. This right was not at first hereditary, nor did it authorize the receiver to dispose of the land at his pleasure. It was rather, indeed, the conveyance into private hands

¹ This definition is also given by Müllenhoff, *Deutsche Alterthumskunde*, IV. 282. Is it not equally possible that *burg* may have here the abstract sense of the protection afforded by the family connection? Certainly it would seem to be so used in the laws; cf. *Ine*, cap. 74, §1; *Alfred*, cap. 41, in Schmid, *Gesetze*, 56, 94.

² Schmid, *Gloss.*, s. v. *ethel*; Lodge in *Essays in Anglo-Saxon Law*; Stubbs, *Const. Hist.*, I. 80-81; Vinogradoff in *English Historical Review*, January, 1893; Maitland, *Domesday Book and Beyond*, 256.

³ *History of English Law* (1st ed.), II. 237 ff., particularly 240-241; *Domesday Book and Beyond*, 341-350.

⁴ *The Commune of London*, 1-28.

of the authority of a public functionary.¹ Two sets of rights over the same tract of land thus appeared simultaneously, the right under the *land boc* to take tribute, the right under the Folk Law to occupy the land and to transmit it under the rules of inheritance laid down by that law. Those who enjoyed the second set of rights might be either free or dependent. Dependent tenure would be the rule where persons had been settled on the land by the king or by his officers, free tenure where the settlement represented a free land-occupying community.

Professor Kovalesky then makes a gallant attempt to show that land was originally held by communities in communal ownership.² There is no organic connection between open-field husbandry and the system of coaration, for the Anglo-Saxons ordinarily made use of a light plow and a single yoke of oxen. Accordingly the argument for the survival of the Roman *villa* which Mr. Seebohm based on such a supposed connection falls.³ We are left to find some other explanation for the distribution of the acre-strips and for the equality of the holdings under the open-field system. The unquestioned existence of private ownership in the time of Ine, and perhaps even earlier, is still no proof that it was primitive. Then the fact that the nature of peasant holdings under the open-field system excluded the possibility of periodic redistribution constitutes no difficulty; such redistributions are not necessarily primitive, nor an essential condition of communal ownership.⁴ Again, whatever freedom of alienation the Anglo-Saxon laws ascribe to the peasant proprietor may be referred directly to the influence of the Church, and can not, therefore, be primitive. Then, the survival until recent times of certain peculiarities of landholding in northern Russia is introduced as an argument from analogy. Under that system the family (*Hof, mansus*), and not the individual, was the holder of a share in the land of the community. This share was adjusted to the size of the family and was not a specific allotment of land, but rather a right to a proportion of all the possessions of the community. A single possessor might take up several normal shares or be reduced to a fraction of one, and this the more easily since it

¹ Seebohm, *Tribal Custom in Anglo-Saxon Law*, 419 ff.

² "Unter freiem Bodenbesitz verstehe ich hier den Besitz von Gemeinden, nicht den von Privatpersonen," p. 508. The translator seems to use *Besitz* and *Eigentum* as convertible terms (cf. pp. 85, 91), but the latter appears to represent the author's idea in this context. If *Besitz* be taken literally *cadit questio*.

³ *The English Village Community*, especially chs. IV.-V. Mr. Seebohm seems to have receded from this position; see *Tribal Custom in Anglo-Saxon Law*, 425.

⁴ See this point clearly brought out in Meitzen, *Siedlung und Agrarwesen*, etc., III. 574 ff. The whole subject has been recently dealt with by A. Tschuprow, *Die Feldgemeinschaft* (Strassburg, 1902), a work which I have not been able to see.

was the house, not the individual, that was reckoned the possessor. An arrangement similar to this Professor Kovalevsky discerns in Anglo-Saxon England, and by it accounts for the twelve-hynde and six-hynde men of the laws.¹ But it may be remarked that even if the land-owning unit were the house and not the man, the notion of individual ownership is not thereby excluded. A group of such units occupying an area of land to an "ideal share" of which each is entitled does not, at the last analysis, differ from a group of coowners holding *pro indiviso*. This, indeed, will be the only possible explanation of their position unless the inadmissible idea of a corporation be introduced. The same reasoning will apply to the group of individuals forming the household and will find corroboration in the fact that the size of the share varied in direct ratio to the number of souls composing the household. The share, then, is the share of the individual whether or not it be allotted to him in severalty.

Under the Anglo-Saxon principle of equal division of the inheritance among the sons the large undivided family broke up. A new arrangement had then to be made involving a permanent allotment of arable land to the small families created by this subdivision. In order to secure strict equality this allotment was made in the scattered acre-strips of the three-field system. As the population increased new land would be taken up and new villages planted, and these in turn would undergo the same changes as the elder settlements. These latter under ecclesiastical influence began to admit the possibility of the sale of a share, and this principle, once introduced, worked in England, as it had on the continent, to transform a group of kinsmen into a group of neighbors. The villages of later settlement, on the other hand, retained their rights in the common lands of the elder communities. By this fact we are enabled to account for the village marks (inter-commoning villages) which meet us toward the close of the Anglo-Saxon period.

The great proprietary estates seem to have grown slowly. The documents of the seventh, eighth, and ninth centuries give rather the impression that small holdings of from twelve to twenty-four *manentes* were the rule. By a consolidation of these the great estate was formed. The *geneats*, free members of a free community, formed the majority of the population; at the other extreme stood the *geburs* bound to the soil. Between the two were the

¹ This is scarcely less than fantastic as far as the hynde men are concerned. These terms refer either to status as determined by wergeld, or to one's ability to produce a complement of kinsmen as oath-helpers. See Schmid, Gloss.: Seebohm, *Tribal Custom in Anglo-Saxon Law*, 409 ff.

cotsetlas, personally free indeed and having house and curtilage, but without a share in the open field, answering in many ways to the *hospes* of the Frankish estate. The depression of this free population was accomplished in England, as on the continent, by the consolidation of great estates, the failure of the central government, and the conversion of public into private law relations.¹

Professor Kovalevsky's system is not of course final, but it commends itself by two striking advantages. The first of these is a broad reasonable hypothesis, freed from the preoccupations of the Romanist and Germanist alike, and *prima facie* very probable. The second is the temperate application of the comparative method, by means of which conditions in Anglo-Saxon England are brought into relation and compared with those obtaining at the same time in other parts of the Western Empire in which Germanic peoples had settled.

GAILLARD THOMAS LAPSLEY.

¹ All this has been and still is the subject of dispute. The word *geneat*, for example, has been regarded as the equivalent of *ceorl* and *gebur*, as a general term for *gebur* and *cotsetla* alike, and as denoting a specific form of tenure. See Seebohm, *Village Community*, 137-142; Allen, *Essays and Monographs*, 240-256; Andrews, *Old English Manor*, 145 ff.; Maitland, *Domesday Book and Beyond*, 59, 327.

AMERICAN BUSINESS CORPORATIONS BEFORE 1786

THE title of this article requires a definition of the terms employed. The subject must necessarily be examined from a statistical standpoint, and statistics are of little value unless the basis upon which they are made up is stated with some precision. The phrase "business corporation" will be employed to denote only corporations formed primarily to promote business enterprises, either by the investment of money as a productive capital, or by encouraging and facilitating such investments on the part of others. The term "American" is used in accordance with its conventional acceptance in this country, as restricted to what pertains to territory included within the limits of the United States.

The year 1789 has, of course, been selected as the close of the period to be considered because from that time on the country came under the influence of new social and political conditions. It was a year marked by two events as one of the great dates of world-history. The States General of France were convoked, after a slumber of a century and a half, to begin for Europe the work of pulling down the ancient forms of centralized authority. The first Congress of the United States at the same time was assembled at New York—a Congress which also exercised the functions of a constitutional convention—to begin for the United States the work of building up a new form of centralized authority, that of a strong central government with a narrow field, side by side with many strong local governments, each with a wide field. For Americans, 1789 is the year when a uniform continental system of political administration was first set up with powers adequate for the due protection of rights of person and property.¹

During the colonial era all large business enterprises had been checked by our dependence on a country whose commercial interests were thought to be antagonistic to our own. The first years of our political independence had been spent in making independence secure. Then came as many more, darkened and confused by differences and rivalries between the states. Not until the new government under our present Constitution came into active operation in the spring of 1789 was a fair field open for the permanent

¹ See John Marshall's observations on this point in his *Life of Washington*, V. 87.

investment of capital in large operations with such an assurance of safety as could command general public confidence.

There is but one mode in which such operations can be conducted with lasting success. It is through some form of corporate organization. There must be a franchise from the state. A business corporation consists of one or more persons authorized by law to use the name and to trade at the risk of another person. This other person is an artificial one, into whose hands is placed the precise amount of money which those who compose it are inclined to put at hazard. If it uses its talent well and makes a profit, they share it among themselves. If it proves an unprofitable servant and cannot pay its debts, they lose, under the principles of the common law, only their original investment, and its creditors lose the rest. Nor is this unjust, for the creditor knew from the first that this artificial person could bind no one but itself.

The joint-stock association, not unfamiliar in our colonial history, such as the Massachusetts land-banks, traded under a company name, but it was not the name of another person. It was not the name of any person, natural or artificial.

The statistics upon which this article is based are mainly derived from one of the recent series of "*Yale Bicentennial Publications*,"¹ and they show that it was but a small part that the business corporation played in our industrial life before the adoption of the Constitution of the United States.

During the days of colonial government there were in all but six of these of strictly American origin or character. They came in this order: (1) The New York Company "for Settling a Fishery in these parts," 1675; (2) The Free Society of Traders, in Pennsylvania, 1682; (3) The New London Society United for Trade and Commerce, in Connecticut, 1732; (4) The Union Wharf Company in New Haven, 1760; (5) The Philadelphia Contributionship for the insuring of Houses from Loss by Fire, 1768; (6) The Proprietors of Boston Pier, or the Long Wharf in the Town of Boston in New England, 1772.

A corporate character has sometimes been attributed to certain associations of the kind to which reference has been made, formed under a company name for business purposes in the seventeenth century. There seems, however, to be no sufficient evidence that any of these were more than great commercial partnerships. There can be no incorporation without authority from the sovereign power or from some one entrusted by the sovereign power with the right to grant such authority in its behalf. There can be no business

¹ *Two Centuries of Growth of American Law*, 296-311.

corporation, in the ordinary and proper sense of that term, without a voluntary acceptance of corporate privileges so granted for business purposes.¹

In the foregoing list of colonial charters none has been included that was granted directly by the home government. That of the Massachusetts Bay Company, out of which soon grew the colony and province of Massachusetts, was an example of one type of these; the monopolistic charters of the Hudson's Bay Company and the Ohio Company, of another.

At the opening of the eighteenth century there were in England but three joint-stock companies under full charters for purposes of foreign commerce.² America claimed one — the Hudson's Bay Company. This had a crown charter from Charles II., confirmed for seven years by act of Parliament in 1690.³ The Ohio Company, composed partly of Englishmen and partly of Virginians, was chartered in 1749 to promote a land speculation, and the Virginia assembly was compelled by the home government to make it a grant of 600,000 acres.⁴ The Susquehanna Company, formed about the same time (1743), which made the settlement at Wyoming out of which grew the short-lived county of Westmoreland in Connecticut, had no charter,⁵ although they sought one from the Crown, and with the full consent and approval of the Connecticut legislature.⁶ Like almost all the land companies of the eighteenth century, it was a mere partnership.⁷ Some of these had nearly a thousand members; others, only two or three.⁸

There were numerous instances of the incorporation or quasi-incorporation of proprietors of lands by the colonies, for the purpose of improving their property by concerted effort. The earliest of these occurred in Massachusetts in 1652, when thirteen owners of land upon Conduit Street in Boston were incorporated (though with no company name) to enable them to supply houses on that street with water. Each had an equal share in the undertaking, which was successfully prosecuted.⁹ Many quasi-corporations of

¹ *Op. cit.*, 268-272.

² Anderson, *Hist. of Commerce*, II. 598. Another American charter had been granted in 1692 for "The Company of Merchants of London Trading to Greenland," but little was ever done under it.

³ Winsor, *Narr. and Critical Hist. of America*, VIII. 5, 9.

⁴ Winsor, *op. cit.*, V. 570; Hildreth, *Hist. of the U. S.*, II. 433.

⁵ *The Susquehanna Title Stated and Examined*, 33-35.

⁶ *Col. Rec. of Conn.*, X. 378.

⁷ See Abraham Bishop, *Georgia Speculation Unveiled*, 43.

⁸ *Documents accompanying the Report of the Commissioners on the Georgia Mississippi Territory*, 1803, 29, 43.

⁹ Davis, "Corporations in the Days of the Colony," *Publications of the Colonial Society of Mass.*, Vol. I.

more importance were subsequently formed in other colonies to promote the drainage of low lands.

Several "marine" societies were also incorporated in the interest of navigation; the main object of which was to bring seamen together in a friendly way for mutual aid and assistance in case of need. These I have regarded as social rather than business corporations. The province of Massachusetts incorporated three such.¹ The first of these acts directed the governor to issue a charter under the seal of the province. He had doubts as to his power to do this, and the question was ultimately referred to the official solicitor or counsel of the Lords Commissioners for Trade and Plantations, Richard Jackson. His opinion, given in 1774, was that as both the colonial and the provincial charters conferred full powers of legislation, this included a power to incorporate.² Mr. Jackson was a dissenter, owned lands in New England, had been the colonial agent of Connecticut, and had recently received the degree of Doctor of Laws from Yale College, a corporation chartered by that colony.³ The point in dispute could hardly have been submitted to one whom circumstances would more naturally dispose to a favorable judgment. A very different opinion had been announced by the crown lawyers in the preceding century, when the incorporation of Harvard College was set up as one of the grounds for vacating the Massachusetts charter.

Of the six colonial incorporations in the list which has been given, two belong to the seventeenth and four to the eighteenth century. The first, dating back to 1675, a New York fishing company, was chartered by the governor and council of New York, acting for the Duke of York under the liberal terms⁴ of his patent of 1664. The capital stock was divided into shares of the par value of ten pounds.⁵ This was under the administration of Governor Andros. Governor Dongan, in 1684, was authorized to promote the formation of another to engage in the eastern fisheries at Pemaquid, and, as he subscribed £100 in the name of the Duke to the capital stock of such a company, there being other subscriptions to the amount of £2,400 more, it is probable that a charter of incorporation was granted, but it does not appear that any organization was ever effected.⁶

¹ In Boston, Salem, and Marblehead.

² *Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, III. 708; V. 191, 288.

³ *Literary Diary of Ezra Stiles*, I. 315, 412; III. 266.

⁴ *Docs. Relating to the Colonial Hist. of N. Y.*, II. 296.

⁵ *Ibid.*, III. 234.

⁶ *Ibid.*, 349, 355.

The Free Society of Traders in Pennsylvania was chartered by Governor Penn soon after he had obtained his patent, and it received extraordinary privileges. It was in furtherance of a scheme for a land as well as a trading speculation, and the corporation was invested with the lordship of the manor of Frank, and the right to have three representatives in the provincial council or assembly.¹

The subscription agreement was drawn up in March, 1682, in London, where the patent, or grant of incorporation, had been issued,² and the first officers were elected there;³ but it was to be distinctively an American company,⁴ with its seat at the capital of Pennsylvania, where all its meetings after the first were forever to be held. A capital stock of £5,400 was subscribed under date of April 26, 1682.⁵ At all meetings, subscribers for £50 were to have one vote, those for £100, two votes, and those for £300 or over, three votes; provided that no one could cast over one vote unless he resided in Pennsylvania or owned 1,000 acres of inhabited land there. The articles of association under the patent provided that the first general assembly held in Pennsylvania should be asked to ratify it. Of that assembly, which met in December, 1682, Dr. Nicholas More, the first president of the society, was chosen speaker,⁶ but it does not appear from its records that any application was made either then or later for any such legislation.⁷ The society had evidently settled on a different course. Governor Penn had made large sales of lands in his new province early in 1682. After the society had been incorporated and shortly after the grant of the charter of April 25, 1682, the leading purchasers of these lands had met in London (May 5, 1682) and with Penn's consent had adopted certain provincial "Laws." One of the articles (Art. XXXI.) expressly ratified the charter of the society. Another provided that none of these laws should ever be altered except by the concurrence of the governor and six-sevenths "of the freemen

¹ *Two Centuries of Growth of American Law*, 305; see also *Colonial and Provincial Laws of Pa.*, 473; *Pa. Stat. at Large*, ed. 1899, III. 345; *Col. Rec. of Pa.*, II. 154; III. 158.

² *Minutes of the Provincial Council of Pa.*, I. 40 (Art. 31); Hazard, *Register of Pa.*, I. 396.

³ May 29, 1682.

⁴ It styled itself the Free Society of Traders in Pennsylvania (Winsor, *Narr. and Critical Hist. of America*, III. 498).

⁵ *Pa. Magazine of History and Biography*, V. 37; XI. 175.

⁶ *Collections of Hist. Soc. of Pa.*, I. 196; Winsor, *Narr. and Critical Hist. of America*, III. 485.

⁷ The records of the early assemblies are incomplete. *Votes of Assembly*, I. 60, Appendix xiv.

met in Provincial Council and General Assembly."¹ After this the Free Society was free of the assembly.

On the last day of the first session of that body a debate arose "touching the Power of the Society of Traders in Philadelphia," which resulted in the appointment of two members of the assembly to confer with the governor as to Article XXXI,² but nothing came of the attack. His eldest son and many of his friends were large stock-holders; the society itself had bought 20,000 acres of land from him;³ and the money which it proposed to invest in the new settlement made it a valuable auxiliary in the development of his commercial plans. Like most trading companies, its promise was greater than its performance. A letter from James Claypoole, its first treasurer, written from London to his brother, July 14, 1682, speaks with great confidence of its flattering prospects and assures him that he can safely recommend its shares as an investment. "We could very well," he writes, "employ 20,000 pounds. . . . It may come to be a famous company."⁴ A great trade with the natives was anticipated, and this letter refers to a missive to be dispatched by order of the society by a special messenger, bearing suitable presents, to the "Emperour of Canada." This document had been already prepared. It was written on parchment, under the seal of the society and the hand of the president at London, June 19, 1682, and begins thus:

Friend. I have sent you this Letter and Messenger to let you know that I am elected President of the Free Society of Traders of Pennsylvania and, as I am such, have the Power and Free Consent of all these good men to treat with you, your Kings, and your people in all things pertaining to Trade.⁵

The society secured 400 acres of land within the city liberties of Philadelphia. Part of this ran from river to river, fronting on a street near where Pine Street now is.⁶ It set up, in 1683, a tannery and a grist-mill, and in 1684 a saw-mill and a glass factory.⁷ No manorial rights were ever exercised,⁸ and the provincial charter

¹ Poore's *Charters and Constitutions*, II. 1526; *Votes of Assembly*, I. xxxv. The assembly, however, did reenact at least one of these laws, which were styled in its records the "printed constitutions" in contradistinction from certain proposed laws styled "written constitutions." *Ibid.*, 5.

² *Votes of Assembly*, I. 4.

³ *Pa. Archives*, I. 44.

⁴ Manuscript letter-book of James Claypoole in library of Hist. Society of Pa. It was begun in London and finished in Philadelphia.

⁵ Hazard, *Register of Pa.*, I. 394, 397.

⁶ Proud, *Hist of Pa.*, I. 191, 246, 264; Lewis, *Essay on Original Land Titles in Phila.*, 109, 118, 170.

⁷ Letter-book of Claypoole, May 29, 1684.

⁸ Lewis, *op. cit.*, 220, 224.

of April 25, 1682, made no provision for representation of the society in the provincial council. The first session of that body was held on March 10, 1683, and it is significant that at the next, two days later, "Nicholas Moore, President to the Society of Free Traders in this province," was brought before it on a charge of having said in a public house that at the first meeting the council had broken the charter and might be impeached for treason.¹ He denied having said quite this, but evidently had come dangerously near it, and it is not improbable that one of the causes of his remarks was dissatisfaction at the manner in which the charter of the society had been disregarded in that of the province and in the actual composition of the council.

What of its capital stock did not go into land was invested in cargoes of English goods. They were sold at a great profit, but on trust. The purchasers failed to pay, and on May 29, 1684, the treasurer of the society (who was a Quaker and opposed to lawsuits) wrote, "we have neither credit nor money, and now must sue people at law or be forced to loose all." "I am so weary," he adds, "of the Society's business that I will get clear as soon as I can."²

In a few years the society went practically out of business, except as an owner of real estate. There were no dividends, and some of the English shareholders applied in August, 1704, to the provincial council for an order that the managing officers render an account. It seems to have been difficult to discover who these were, for the council "ordered that Benjamin Chambers, said to be late President of the said Society,"³ produce its books. A letter of Penn, written in February, 1705/6, refers to the society in a way which indicates that it had been used by his steward, Philip Ford, who was one of its original promoters, as one of his instruments for bringing the governor into his debt.⁴ We hear no more of its doings until 1721, when a bill was passed by the provincial assembly to wind up its affairs and distribute among its shareholders what might remain. The governor, Sir William Keith, refused his assent on the ground that the proceeding was an irregular and *ex parte* one. Subsequently, on March 2, 1722/3, it was reenacted with certain amendments suggested by him, and trustees were appointed, who sold out its property and distributed the proceeds.⁵ So passed

¹ *Minutes of the Provincial Council*, I. 58.

² Manuscript letter-book of James Claypoole.

³ *Col. Records of Pa.*, II. 153.

⁴ *Memoirs of the Hist. Soc. of Pa.*, X. 108.

⁵ *Votes of Assembly*, II. 290, 294, 361; *Colonial Records of Pa.*, III. 138; Shepard, *History of the Proprietary Government of Pa.*, 45; Scharf and Westcott, *Hist. of Phila.*, I. 202.

out of existence, after a struggle of forty years against adverse circumstances, the most important of the colonial incorporations.

Nine years later came the first New England charter, that of the New London Society United for Trade and Commerce. The history of the Pennsylvania company has been sketched at length because that task, it is believed, has not been attempted before. That of the brief but meteoric career of the Connecticut company, which was soon turned by its promoters into a land-bank, may be dismissed with a word, for it has been often told,¹ and fills a large place in the colonial records. It was the first purely trading company chartered in any colony,² and the last. Not even a joint-stock association for business purposes of more than six persons, the shares in which were transferable, could be formed here after 1741, when the Bubble Act of 1720 was extended over the American colonies by act of Parliament.³

The charter for the Union Wharf in New Haven, granted in 1760,⁴ was for the encouragement of what was really a matter of public enterprise. New Haven had a shallow harbor. A long wharf was indispensable for the development of its trade. A few public-spirited citizens had begun the work, but death had lessened their number, and the heirs of those who had passed away took little interest in the project. To give permanence to the undertaking and enable the majority of the owners to enforce proper repairs a charter seemed necessary, and it proved effectual.⁵

The Pennsylvania insurance charter of 1768⁶ was the outcome of a scheme primarily designed to secure householders against risk by fire, rather than to open an avenue for profit on invested capital. It gave corporate form to what for sixteen years had been in existence as a voluntary association for mutual protection. The original plan was to issue seven-year policies on deposit of a gross premium. The interest on this belonged to the company: the principal remained the property of the depositor, subject only to the risks of the business. At the end of the seven years' term, the proportion of the losses and expenses of the company which this

¹ Caulkins, *Hist. of New London*, 242; Bronson, *Hist. of Continental Currency*, etc., in *Papers New Haven Colony Hist. Society*, I. Part II., 42; Baldwin, *Modern Political Institutions*, 185; Davis, *Currency and Banking in the Province of Mass. Bay*, Publications of the Am. Economic Association, 3d Series, Vol. II. Part II., 102 (much the fullest account).

² *Col. Rec. of Conn.*, VII. 421.

³ See *Publications of the Col. Soc. of Mass.*, III. 27.

⁴ *Col. Rec. of Conn.*, XI. 400

⁵ Trowbridge, *History of Long Wharf in New Haven*, in *Papers of the New Haven Col. Hist. Soc.*, I. 83.

⁶ *Laws of Pa.*, Smith and Reed's ed., I. 279.

deposit ought equitably to bear was determined, and a new start made on the basis of this account. Each depositor was liable to his fellow-members for losses to the amount of his deposit and half as much more. As policies were issued only to members, this limitation of his personal loss could be effectually made. In fact, it was a kind of private club. The members held monthly meetings, and if any one failed to attend he was fined for his absence, the fines thus received being applied to setting up mile-stones on the roads leading into the city.¹ Like so many of the new things of his day, this company was set on foot by Dr. Franklin, who headed the original list of its board of directors. It is still one of the active business corporations of Philadelphia, and among the most important, having accumulated assets of the value of about five millions, and carrying risks of a proportionate amount. In its first year the total insurance effected was only about \$108,000, and the sums deposited for premiums amounted to \$1,291.² It has been treated in this paper as a business corporation because it grew to be one in common course by natural development. For a long period it allowed its surplus assets to accumulate, and it was made a question whether it could do otherwise. This question was finally brought, in 1895, before the courts, and it was decided that dividends could be lawfully declared in favor of the members, if the directors saw fit.³ Since that time it has been in every sense a business concern.

The last charter in our list, that of The Proprietors of Boston Pier, or the Long Wharf in the Town of Boston in New England, granted in 1772,⁴ was justified by a condition of things similar to that at New Haven, and proved equally efficacious in securing the end in view.

Pennsylvania also chartered in 1759 what was in effect a life-insurance company for a limited class, styled the Corporation for the Relief of Poor and Distressed Presbyterian Ministers, and of the Poor and Distressed Widows and Children of Presbyterian Ministers. This is still in existence and has done a useful work. Its main design, however, being charitable, it has not been included in the list of colonial incorporations.

Nor does the New York Chamber of Commerce appear there, for though it may fairly be regarded as a business corporation it is not unquestionably of colonial origin. Those who associated to

¹ Bolles, *Industrial History of the United States*, 823.

² Scharf and Westcott, *History of Philadelphia*, III. 2114.

³ *McKean v. Biddle*, 181 *Pa. State Reports*, 361.

⁴ *Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, V. 200, 262, 288.

constitute it received on March 13, 1770, a patent running in the name of the Crown, though under the seal not of the realm but of the colony of New York. The grant having this form and being made, as it recites, "for the laudable purpose of promoting the trade and commerce of our said Province," at a time when the trade relations of Americans with the mother-country were greatly strained, and the public had been thinking of boycotting English importations more than of increasing them, was made the subject of a confirming act by the legislature of New York in 1784.¹ There was then no Dartmouth College case² to settle the doctrine that a charter from the Crown, whether directly or through a provincial governor, was as good after the Revolution as it was before. The chamber, therefore, rightly claims 1770 as the real date of its incorporation, which makes it the oldest in any English-speaking land. That of Glasgow comes next, in 1783, and then that of Edinburgh in 1785. The London Chamber was founded only twenty years ago.

It was not until near the close of the War of the Revolution that the first business corporation owing its franchise purely to American sovereignty came into existence. The country was driven to it by hard necessity. The summer of 1780 found the army without rations, and the Continental currency sunk to a value of hardly two cents on the dollar.³ As a temporary expedient, a voluntary association of capitalists was formed at Philadelphia to establish a private bank to aid the credit of the United States, and £300,000 in Pennsylvania currency was subscribed for this purpose.⁴ The bank was found useful,⁵ and on May 26, 1781, soon after the ratification of the first Constitution of the United States, Congress voted to grant a charter for a "national bank" on a plan proposed by Robert Morris, as soon as a capital of \$400,000 should be subscribed, payable in hard money. The par value of each share was \$400. By the close of the year \$70,000 was so subscribed, and those who had made advances to the government through the voluntary association of the year before were ready to take the rest as soon as repaid by the United States. This payment Congress found it difficult to make, and at last Morris, now the Continental Superintendent of Finance, proposed that he in behalf of the United States should subscribe for the balance not yet taken. This

¹ *Laws of New York*, ed. of 1792, I. 80, chap. XXX.

² *Dartmouth College v. Woodward*, 4 Wheaton's *Reports*, 518.

³ Sumner, *Life of Robert Morris*, 41.

⁴ *Ibid.*, 79.

⁵ *Journals of Congress*, VI. 66, 126, June 21, 22, Sept. 15, 1780; VII. 8, Jan. 4 1781.

suggestion was adopted. He subscribed in this way for about a quarter of a million of the stock, all of which, within the next two years, was disposed of to private individuals.¹ It was upon this basis that Congress, on December 31, 1781, treated the subscriptions as full, and "The President, Directors and Company of the Bank of North America" were finally incorporated. The capital could be increased at the pleasure of the directors to any amount not exceeding \$10,000,000. The bank's notes were to be receivable for public dues, state and federal, and Congress recommended to each state the enactment of a law that no other bank or bankers should be established or permitted to do business within its limits during the continuance of the war.²

It proved a profitable as well as a patriotic enterprise. Almost immediately it began to make dividends of 13 and 14 per cent. a year, and under an ancillary charter obtained from Pennsylvania in 1787 it still exists, with a capital of \$1,000,000, and a surplus of nearly twice that sum.³ In 1782, such ancillary charters, with the monopoly provision recommended by Congress, were granted by Massachusetts, New York, and Pennsylvania. That from Pennsylvania was repealed in 1785 but reenacted two years later. Meanwhile, in 1786, the bank had obtained incorporation from Delaware.

This action of Pennsylvania in 1785 was dictated by a jealousy of corporations formed for private profit, which was characteristic of both English and American sentiment down to the early part of the nineteenth century and was not dissipated in either country until free incorporation began to be offered on equal terms to all, by general laws to that effect.

The long colonial era, then, brought forth but six American business corporations. The thirteen years of sovereign statehood under the Confederation produced twenty, and the Confederation itself gave birth to one. But during the eleven years that remained of the eighteenth century just two hundred more came into existence, the United States here again incorporating one—the first Bank of the United States, greatest of all, *unum sed leonem*.

The first of the state charters for an independent enterprise of real magnitude was given by Massachusetts. By reincorporating the Bank of North America she had confirmed its monopoly of the banking business within her limits during the Revolutionary War.

¹ *Works of James Wilson*, ed. of 1896, I. 552; *Sound Currency Tracts*: L. Carroll Root, *The First United States Bank*, 3.

² *Journals of Congress*, VII. 87, 197, May 26, Dec. 31, 1781.

³ Sumner, *Life of Robert Morris*, 102; *Hist. of Am. Currency*, 50. A monograph was issued by the bank at the close of its first century of existence, giving a history of its origin and growth.

As soon as she was freed from this obligation by the treaty of peace, she chartered (in 1784) the Massachusetts Bank of Boston. Its original capital was \$300,000, the par value of each share being \$100. Although without any express authority to that effect, it began at once to issue circulating bills. Eighty years later it became a national banking association, as which it still exists. It is worth noting that during its long life as a state bank it issued and redeemed bills to an aggregate amount of over four and a half millions of dollars, and that one half of one per cent. of the total issue were never presented for redemption.¹

One mining company was incorporated in the same year in Connecticut, to work the beds of iron ore in Litchfield county. Pennsylvania chartered the Agricultural Society of Philadelphia in 1785. Washington wrote of this charter to James Warren²: "The Agricultural Society lately established in Philadelphia promises extensive usefulness, if its objects are prosecuted with spirit. I wish most sincerely that every State in the Union would institute similar ones." A mutual insurance company was also chartered in the same city in 1786. This had been organized two years previously as a voluntary association, and for a singular cause. The house of a member of the "Philadelphia Contributionship" society had taken fire in 1783 from a burning shade-tree. That society thereupon refused to take any new risks on houses surrounded with shade-trees, except at an extraordinary rate of premium. The new company was formed by those favoring a more liberal policy, and took a green tree for its corporate symbol.³ Of the remaining corporations, one was the New York Chamber of Commerce, already described; another was the Associated Manufacturing Iron Company, chartered by the same state in 1786;⁴ three were formed for building bridges, and eleven for the improvement of navigation by deepening river channels or constructing canals.

Of the eleven navigation improvement companies two were really one. The Potowmac Company received similar charters from both Virginia and Maryland in 1784, and was the first of the interstate commercial corporations since so common. It grew out of a voluntary organization for the same general purposes, known as the Potomac Company, or the Potomac Canal Company, which had

¹ Sound Currency Tracts: Carroll Root, *New England Currency*, 3.

² Oct. 7, 1785. *Writings of Washington*, Sparks's ed., IX. 139, 141.

³ Bolles, *Industrial History of the United States*, 824.

⁴ *Harvard Law Review*, II. 165. Paper by Samuel Williston on "The Law of Business Corporations before 1800."

been in existence since 1762,¹ but had accomplished comparatively little. Washington had been one of the chief promoters until called to the command of the Continental army. Soon after the close of the Revolution he made known his opinion that Maryland and Virginia must unite in creating a corporation for this purpose, unless they made it a public undertaking. He urged upon the attention of the governor of each of these states the necessity for such charters, and put in a strong light the improvements in the navigation of the Potomac that were possible and the great benefits that would result to the whole country from them. "The Western States," he wrote to Governor Harrison of Virginia on October 10, 1784, "stand as it were upon a pivot. The touch of a feather would turn them any way." If the trade of the interior was to flow through the Great Lakes to the St. Lawrence, it would be to benefit Canada: if it followed the Mississippi, it would be to benefit Spain. Improve their connections with the Atlantic states, and the country would be bound together by fresh ties.² The term "Western States" was used in this letter, no doubt, to describe the new "distinct states," ten in number, into which Congress in the preceding April had resolved to divide the western territory of the United States.³ The word "territory" had not then been adopted as a designation of a political community.

Washington's business judgment was always sound, and he was quick to see a business opening. During this same year he was engaged in negotiations for the purchase, in company with Governor George Clinton, of what he termed "the mineral spring at Saratoga," but one of any importance (what is now the High Rock spring) being then known to exist.⁴ He was also looking carefully into the merits of James Rumsey's plan and model for a boat which could ascend a river by the aid of the water itself, and he called it to Governor Harrison's attention in the letter from which a quotation has been made, as bearing upon the prospects of the proposed canal. "I consider," he wrote, "Rumsey's discovery for working boats against the stream, by mechanical powers principally, as not only a very fortunate invention for these States in general, but as one of those circumstances which have combined to render the present time favorable above all others for fixing, if we are disposed to avail ourselves of them, a large portion of the trade of the Western country in the bosom of this

¹ Pickell, *Hist. of the Potomac Co.*, 44, 64.

² Marshall, *Life of Washington*, V. 12-18; *Writings of Washington*, Sparks's ed., IX. 31, 58, 65, 112, 115.

³ *Journals of Congress*, IX. 153, April 23, 1784.

⁴ *Writings of Washington*, Sparks's ed., IX. 68, 70.

State irrevocably."¹ Harrison laid this letter before the Virginia assembly, and it resulted in a request from that body, after the enactment of the Virginia charter, that Washington and General Gates, as its representatives, would go to Annapolis and endeavor to secure one similar in form from Maryland. They at once proceeded on their embassy, and with entire success.²

The creation of the Potowmac Company by the concurrent action of different states marked a distinct advance in the progress of political science. Never before in the history of the world had two distinct sovereignties united in such a step. Here were the same individuals sustaining similar political relations to different governments, constituted in each an artificial person, dealing under one name with property in each, and amenable in each to the supervision of its authorities. The way in this direction had been opened by the incorporation of the Bank of North America two years before by Pennsylvania and New York, but that was a recognition or affirmation of its Continental franchise rather than an attempt to constitute *ab ovo* a consolidated corporation.

The charter of the Potowmac Company was followed, in 1785, by that of "The Corporation for the Relief of the Widows and Children of Clergymen in the Communion of the Church of England in America," granted in substantially identical terms by New York, New Jersey, and Pennsylvania.³ This experiment, in the outcome, proved less satisfactory. While of the nature of a life-insurance company, it served also and primarily a charitable purpose, and there were too many occasions in the administration of its affairs for the clashing of local interests. In 1797 it was divided up into three corporations, one chartered by each of the three states concerned.

As to another of the Virginia corporations of this period, however, the plan of interstate incorporation was again tried, and with better results. This was the Dismal Swamp Canal Company,⁴ which Virginia incorporated in 1787 and North Carolina in 1790.

It will be observed that the latter date belongs to the period following the adoption of our present national Constitution. The provision in that instrument (Art. I., §10) that no state shall without the consent of Congress enter into any agreement or compact with another state was thought by many to forbid the formation of any

¹ *Ibid.*, 58, 68, 104.

² *Writings of Washington*, Sparks's ed., IX. 82, 91.

³ The same organization had held a patent of incorporation from the proprietaries of Pennsylvania since Feb. 7, 1769. Bolles, *Industrial History of the United States*, 837.

⁴ I am informed by Dr. Kemp P. Battle that Washington was a stock-holder and that it constructed a canal which proved profitable.

corporation by the concurrent legislation of different states. To this may be attributed the rarity of such charters until within the last quarter of a century, when it was settled by judicial decisions that the constitutional prohibition referred only to agreements or compacts of such a nature as to change the political relations of one state to another or to the United States.¹

It is easy to see why the American colonies created so few business corporations. It is, at least, doubtful whether the colonial assemblies had a right to create any. The patentees under the earliest grants, so far as they had the power, had little inducement to use it. No trading charter in those days was thought worth having unless it carried a monopoly,² and patentees who had secured a general monopoly for themselves within a certain territory were naturally indisposed to share it with others.

The causes for the paucity of state charters between 1776 and 1789 are not to be so readily assigned. It was not for want of money to invest. There were before the Revolution and throughout the Revolution large fortunes held by Americans. Others were accumulated because of the Revolution, and some of them from government contracts for supplies and munitions of war, in the execution of which considerable capital was required, and which involved heavy personal risks, against which a corporate franchise would have been a convenient shield. Nor are corporations especially the agents of the rich. It is the man with five hundred or a thousand dollars to invest to whom they are the greatest boon. Before the Revolution such a person had been apt to put his money into a share in a ship or a share in a land company. During the Revolution and for many years after its close, he did the same. In the roll of twenty shareholders in the Georgia Company of 1795, which made the famous Yazoo purchase, but one man, James Wilson, appears as a subscriber of over £2,000, and two put in £200 or less.³ Both the small and the large capitalist would have been glad to make his investment under the protection of a charter, but neither wished a charter that did not protect.

The commercial policy of each of the new states was at the outset a narrow and selfish one. This was a natural outgrowth of colonial conditions. The tendency of legislation as to matters of intercolonial interest had been, and as to those of interstate interest was, towards what was unfriendly. The prevalent note was

¹ *Baltimore and Ohio R. R. Co. v. Harris*, 12 Wallace's Reports, 65, 82; *Virginia v. Tennessee*, 148 United States Reports, 503, 519.

² See Adam Smith, *Wealth of Nations*, III., Book v., chap. I., 145, 146.

³ *Documents accompanying the Report of the Commissioners on the Georgia Mississippi Territory*, 1803, 37.

retaliation rather than reciprocity. All this gave little assurance that a franchise from one state would be respected in another. The Articles of Confederation, when they were framed, provided (Art. IV., § 1) that the people of each state should have free egress to and from any other state and enjoy therein all the privileges of trade and commerce, subject to no other restrictions than those imposed upon its own inhabitants. This gave no rights to corporations. Indeed, it was probably worded with a view, in part, of preventing any which might be created with exclusive trading privileges from claiming them to the prejudice of citizens of other states. It was this state of things, no doubt, which influenced Madison's twice-repeated proposition in the Constitutional Convention of 1787 to confer on Congress the power "to grant charters of corporations in cases where the public good may require them, and the authority of a single state may be incompetent." Pinckney desired to go further and give a general power to this effect without limitations. The discussion which followed in the Convention went to the bed-rock of the whole matter. Madison stated that his primary object was to secure the easy communication between the states which the free intercourse now to be opened seemed to call for. Political obstacles had been removed; natural ones should be. Wilson urged the importance of canals to connect the east and the west. Rufus King declared that the states would be prejudiced and divided by the grant of any such power. It might be used to set up banks or create monopolies. At Mason's instance, the proposition was confined to granting power to charter canal companies, and it was then defeated by eight states to three.¹

In ratifying the Constitution, four states' (Massachusetts, New Hampshire, North Carolina, and Rhode Island) recommended that it be amended by a provision that Congress should erect no company (or no company of merchants) "with exclusive advantages of commerce," and New York asked for a further prohibition of all grants of monopolies.² Attempts to carry such measures were made in the first Congress, and renewed in 1793, but without success.³ It was in the apprehension that these proposals indicated where, in truth, lay the great barrier of all to the multiplication of business corporations under the political conditions then existing. The people, as has been already said, were afraid of them. As they reviewed their history in England, they saw that a monopoly

¹ Madison's *Journal*, Scott's ed., 549, 550, 725, 726. Cf. Hamilton's opinion on the constitutionality of a United States bank, *Works*, IV. 116, 134.

² *Journals of Congress*, 13, 167, 172, 182, 189; Elliot's *Debates*, I. 336.

³ *Report of Am. Hist. Ass'n for 1896*, Pt. II., 253.

had walked in the shadow of each. They were in their very nature embodiments of special privileges.

In 1784 the leaders of each of the great parties, which were already forming, were before the New York legislature with petitions for bank charters. Chancellor Livingston sought one for a land-bank; Hamilton another for one of discount and deposit.¹ We may be sure that political influence was not wanting to back these petitions. Log-rolling was not then unknown. Both, however, were rejected, and although Hamilton and his associates had gone so far that they proceeded to set up business as a voluntary association by the name of the Bank of New York, no charter could be got for it until 1791.

The public jealousy of corporations against which Hamilton and Livingston could avail nothing in New York was felt, though not everywhere with equal force, throughout the Union. There was but one thing that could effectually remove it. That was to remove the cause. To deprive the corporate franchise of the character of a special privilege and make its possession free to all—this was to be the next great step in the evolution of American combinations of capital for business purposes. North Carolina had been one of the sturdiest upholders of the rights of the people. She had unwillingly acceded to the establishment of a national government. She had failed to convince Congress that it ought to ask the people to forbid it to grant monopolies. In 1795 she struck out into a new field for herself and gave the modern world an object-lesson in political science. For the first time since the beginnings of the Roman Empire,² a sovereign state offered incorporation for business purposes to any who desired it, freely and on equal terms. As became a government venturing on so novel an experiment, she confined her offer to a single class of business enterprises—the construction of canals; but she gave a generous franchise, including the right of eminent domain, providing only that the works should become public property whenever the shareholders should have received their capital with interest at six per cent.³ The example thus set was soon imitated by other states, and the vast number of business corporations formed under general laws that the nineteenth century brought forth to change the face of the United States witnesses the wisdom of making freedom of incorporation one of our fundamental political institutions.

SIMEON E. BALDWIN.

¹ *Works of Hamilton*, I. 414.

² Up to 1795 general incorporation laws had been restricted to the formation of charitable, religious, or literary corporations. Baldwin, *Modern Political Institutions*, 148, 174, 193, 194.

³ *Laws of North Carolina*, ed. 1821, I. 769.

AMERICAN CONSTITUTIONAL PRECEDENTS IN THE FRENCH NATIONAL ASSEMBLY

It is hazardous to attempt the genealogy of political ideas or systems, for they often seem to spring into being simultaneously among different peoples. Even where it is possible to trace a distinct influence, this is only one of many causes which have contributed to the result. And yet such influences are always worth study, particularly when they are made interesting by the sentiment with which popular tradition clothes them. While it would argue an undiscerning ambition to endeavor to measure the part American constitutional principles had in the French Revolution,¹ it is nevertheless instructive to observe their influence upon certain decisions of the National Assembly, chiefly those concerning a declaration of rights, the grant of a veto to the king, and the organization of the legislature.

The spectacle of the colonial farmers in arms against their king and organizing self-governing communities first appealed to intelligent Frenchmen because it seemed to offer so many illustrations of their new theories of man, of society, and of government. It undoubtedly still further loosened the supports of the already weakened monarchy. Arthur Young noted in his diary, October 17, 1787, the presence among all ranks of a "strong leaven of liberty, increasing every hour since the American Revolution."² But an influence of this sort is indefinite and not to be described in terms of actual constitutional changes.

Long before the Revolution began many Frenchmen had carefully studied the constitutions of the new American states. The earliest collected translations of these documents appeared in 1778, and contained the constitutions of Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and South Carolina, together with the Declaration of Independence, the Act of Confederation, and various

¹ There are some notes on this subject in C. Borgeaud, *Établissement et Révision des Constitutions en Amérique et en Europe*, also a brief statement in A. Aulard, *Histoire Politique de la Révolution Française*, 19-23. It is incidentally treated in *America and France*, by Lewis Rosenthal.

² *Travels in France* (Bohn ed.), 97. Cf. Malouet, *Mémoires*, I., 246, where the American Revolution and Jean Jacques are coupled as influences leading toward extremely democratic and dangerous changes.

acts of the Continental Congress.¹ A much more complete collection was published in 1783. This included the documents printed by order of Congress in 1781. The work of translation was done by the Duc de la Rochefoucauld at the request of Franklin, who wished to counteract the extravagant misrepresentations of American affairs diligently circulated by the English newspapers. He thought that the new state constitutions would show that political knowledge and sagacity were to be found even in the American wilderness. The work was not published surreptitiously, like so many works of a political character at this time in France. Through the good offices of Vergennes it received official authorization. Franklin presented two copies "handsomely bound, to every foreign minister . . . one for himself, the other more elegant for his sovereign." He further hoped the impression produced by these documents would be so wholesome that many persons of substance would be persuaded to emigrate to America.² An even more complete reprint of the state constitutions appeared from 1784 to 1788 in the section of the *Encyclopédie Méthodique* on "Économie, Politique et Diplomatie," edited by Dèmeunier, censor royal, afterwards a member of the second committee of the Constituent Assembly on the Constitution. Dèmeunier also published separately these documents and his comments.³ Besides such more formal and complete collections, several of the constitutions or declarations of rights were quoted by writers in their essays on the new institutions.⁴

In the discussions of these constitutions there become apparent some of the tendencies characteristic of the attitude of the dominant parties in the National Assembly. One of the first and most important criticisms was made by Turgot, the economist and practical statesman, in a letter to Dr. Price, dated March 22, 1778. He

¹ *Recueil des Loix Constitutives des Colonies Angloises, Confédérées sous la Dénomination d'États-Unis de l'Amérique-Septentrionale*. Dédié à M. le Docteur Franklin. À Philadelphie et se vend à Paris, 1778.

² *Constitutions des Treize États-Unis de l'Amérique*. À Philadelphie et se trouve à Paris, 1783. Franklin's Works, VIII. 274-275, 317, 395. Sir Samuel Romilly was introduced to Franklin in Paris, and when some passages from the collection were read to him expressed surprise that the French government had permitted the publication. Quoted from the *Life of Sir Samuel Romilly*, I. 50.

³ *Essai sur les États-Unis*. Par M. Dèmeunier, secrétaire ordinaire de Monsieur, Frère du Roi, et censeur royal. À Paris, 1786. Dèmeunier reprinted these articles again in 1790 under the title *L'Amérique Indépendante* (4 vols.) without taking the trouble to change his comments on the general government under the Confederation.

⁴ The most elaborate of these was Mazzei's *Recherches Historiques et Politiques sur les États-Unis de l'Amérique-Septentrionale* (4 vols., Paris, 1788). Crèvecoeur's *Lettres d'un Cultivateur Américain* (2 vols., Paris, 1784; 1787, 3 vols.) increased general interest in America.

found an objectless imitation of English usages, a system of checks and balances, which may be necessary in counterbalancing the enormous preponderance of monarchy, but which in a republic is only a source of division. A governor, a senate, and a house of representatives were established, according to him, simply because in England there were a King, a House of Lords, and a House of Commons.¹ So strong an impression did Turgot's objection to the bicameral system leave, supported as it was by the well-known views of Franklin, that it influenced opinion and votes when the Constituent Assembly came to face the question.²

In 1787 John Adams published a reply to the criticisms of Turgot, as well as to those of the Abbé Mably³ and of Dr. Price. His first volume attracted such wide attention that he added two others. Although this work was not published in a French translation until 1792, its strenuous advocacy of the theory of checks and balances was known in France, where it was criticized severely rather as a eulogy of the English system than as a "defense" of the American constitutions. It actually weakened the influence of those features of the American constitutions which seemed based on English precedent.⁴ When William Livingston wrote a book combating the views of Adams, it was translated at once and was furnished with notes by such admirers of Turgot as Condorcet and Dupont de Nemours. But Livingston did not go far enough to suit them. They took issue with his assertion that it was necessary to establish a check on the exercise of legislative power by dividing the legislature and by adding an executive veto and a judicial control. They contended that a sufficient check could be found in a declaration of rights, in the inability of the legislators to change the constitution, in county assemblies meeting at fixed epochs to give

¹ *Œuvres*, VIII. 376-392.

² Lafayette wrote, "Turgot, Franklin avaient été partisans de l'unité de chambre; beaucoup de leurs admirateurs éclairés avaient reçu cette impression." *Mémoires*, IV. 200-201. In another passage he refers to the single chamber theory as held by the "généralité du parti populaire et des héritiers de l'opinion de Turgot et de Franklin." *Ibid.*, II. 298-299. Jefferson called the advocates of the single chamber "Turgotists."

³ The Abbé Mably's views have little relation to this subject. Moreover, he totally misconceived the spirit and tendencies of the American institutions, believing that with the increase of wealth coming from trade an aristocracy would take possession of the government, and that it was urgent to shape the new institutions in such a way that the change would come without dangerous shock. For this reason he thought the Massachusetts constitution better than the more democratic constitution of Pennsylvania. *Observations sur les États-Unis d'Amérique*, in the form of letters to John Adams, dated July 24, August 6, August 13, and August 20, 1783. *Œuvres Complètes de Mably*, VIII. 287-416.

⁴ *The Defence of the Constitutions of the United States of America*. London, 1787.

consent, if need be, to legislative acts.¹ Many Frenchmen, among them Condorcet and Brissot, called attention to the American plan of giving constructive constitutional work to a separate convention, freeing it in this way from the vicissitudes of ordinary legislative activity.²

The most solid and extended observations on the American constitutional system were made by Dêmeunier in the *Encyclopédie Méthodique*. Besides a general article on its characteristics and the nature of the Confederation, he devoted a special article to each state. Like Turgot he noted the English features of the constitutions, but these did not trouble him. He believed that the advantages of the bicameral system outweighed the disadvantages. If it required more time to make laws there were fewer errors to correct. He predicted that Georgia, which had no senate, would be forced to create one as soon as its population should become more numerous. In commenting on Pennsylvania his views were most strongly expressed. He did not believe the single chamber system here could endure, for although the inhabitants, and particularly the Quakers, were simple-minded and honest, they had not the vigor to manage a government so stormy. He also noted the controversy already begun in Pennsylvania over this feature of the constitution. Dêmeunier is a curious instance of the rising dread of executive authority which led the French in 1789 to render their monarch powerless for good, if not for ill. He repeatedly urges that the governors be watched, and regards as dangerous their power to make appointments and issue commissions. These officials seem to him too much like uncrowned kings. The same objection will be later urged against the powers of the president. Dêmeunier, like Condorcet³ and others, felt that one of the greatest

¹ *Examen du Gouvernement d'Angleterre Comparé aux Constitutions des États-Unis*. Par un Cultivateur de New Jersey (Paris, 1789), 188-200. Quérard wrongly attributes this book to Robert A. (R.) Livingston. Cf. for a further explanation of Condorcet's views on the organization of the legislature his *Seconde Lettre d'un Citoyen des États-Unis à un Français* (Philadelphia, 1788). Pétion, who in September, 1789, was a partizan of the single chamber, wrote in 1788 in his pamphlet *Avis aux Français sur le Salut de la Patrie*, "Dans un état où tous les citoyens seroient égaux, en Amérique, par exemple. . . il y aurait beaucoup moins d'abus à diviser le corps législatif en deux chambres, parce qu'elles s'éclaireroient mutuellement, qu'elles ne pourroient être animés par aucun esprit de parti," etc., 93-94.

² In the second of Condorcet's *Lettres d'un Citoyen des États-Unis*, *Œuvres*, IX, 122. Cf. his *Essai sur la Constitution et les Fonctions des Assemblées Provinciales* (1788), I, 130. Brissot wrote in his *Plan de Conduite pour les Députés du Peuple aux États Généraux* (April, 1789), 240: "On ne peut imaginer de méthode plus sage que celle des conventions particulières. Nous en devons la découverte aux Américains libres, et la convention qui a formé le plan de système fédéral, l'a infiniment perfectionné." Cf. Brissot's *Discours* (Bibl. Nat., pièce) at the meeting of his Paris district, April 21, 1789.

³ Condorcet wrote in his *Idées sur le Despotisme*: "La première déclaration de droits qui en mérite véritablement le nom, est celle de Virginie, arrêtée le 1^{er} juin 1776; et

contributions the Americans had made to statecraft was the prefixing of a declaration of rights to their constitutions, withdrawing certain things from the field of legislation and guaranteeing the individual against legislative tyranny. He said it was a shame that New York had drawn up no such declaration, and eulogized New Hampshire and Massachusetts because of the completeness of their statements. "One finds there," said he, "the soundest maxims ever imagined on government, an outline more interesting than any offered by the most famous works." Part of them he looked upon as echoes of the great principles of English jurisprudence.

After the war was ended, and attention turned from its heroic struggles or from the theoretical beauties of paper constitutions to the actual administration of affairs under the Confederation, American credit began to decline. The want of energy in the central government, the refusal of the states to pay their share of the taxes, the paper-money schemes, and the occasional disorders were magnified, especially through the malicious efforts of the English newspapers. Lafayette repeatedly expressed to Washington the embarrassment felt by the friends of America because of this steady decline in her reputation, which, he added, "furnishes the adversaries of liberty with anti-republican arguments."¹

The despatches of Otto, the French chargé d'affaires, and of the Marquis de Moustier, the French minister, emphasize the state of collapse into which the Confederation was sinking. Moustier thought it likely that he would be forced to negotiate with the separate states. He believed the government so feeble that it would be wise for France to seize Newport and New York to prevent their falling into the hands of the British in the event of a war between France and England.² In its instructions to Otto, dated August 31, 1787, the French government anticipated a further development of the democratic tendencies of several states, with the gradual falling of all into complete isolation and independence. It

l'auteur de cet ouvrage a des droits à la reconnaissance éternelle du genre humain. Six autres états d'Amérique ont suivi l'exemple de la Virginie." *Œuvres*, IX. 168. But in the notes on Livingston's book he, or one of his friends, expresses dissatisfaction with the terms in which these rights are expressed, and adds that now reason and logic "peut arriver en ce genre à un tel degré de perfection qu'il ne puisse y avoir dans l'univers entier deux déclarations de droits qui diffèrent entr'elles d'un seul mot." *Examen*, 199.

¹ Letter of August 3, 1787, *Mémoires*, II. 203. Cf. II. 135, 192, 195. Jefferson's letters in *Writings* (Washington ed.), I. 407-408, 518; Franklin, *Works*, VIII. 347; also Lafayette to Franklin, IX. 291. It was the need of defending America that led Mazzei to publish his *Recherches*, and that inspired much of what Brissot wrote in his part of *De la France et des États Unis* (London, 1787). The other author was Clavière, later Girondin minister of finances.

² Archives du Ministère des Affaires Étrangères, Correspondance, États-Unis, XXXIII. fol. 17, 22-26.

consoled itself with the reflection that "this revolution will have nothing vexatious for us: we have never pretended to make of America a useful ally; we have had no other end than to deprive Great Britain of a vast continent."¹

Such a state of affairs was unfavorable to the continued influence of American constitutional methods. But there was another consequence. As soon as rumors of a revision of the system of government were heard, the text of the new Constitution was eagerly awaited. When it came it was printed in the most important newspapers and in the last volume of the *Encyclopédie Méthodique*.² Not all read it with the deep interest Lafayette expressed to Washington, although according to him it had been much admired by the philosophers of Europe.³ Condorcet wrote to Franklin, "If it was impossible to obtain anything better, we must regard it as among the necessary evils, and hope that the opposition will be strong enough to require a few years hence a new convention." He vaguely added, "I see with pain that the aristocratic spirit seeks to introduce itself among you in spite of so many precautions."⁴ He and his friends touched in the notes to Livingston's book what they considered its defects. They saw in it an ominous similarity in fundamental principles to the English constitution.⁵ They were surprised at the omission of a declaration of rights; there was also nothing to prevent high offices from becoming hereditary, and the Federal government was too strong.⁶ At least two of these features were generally considered faults. As Jefferson wrote in reference to a declaration of rights, "the enlightened part of Europe have given us the greatest credit for inventing this instrument of security for the rights of the people and have been not a little surprised to see us so soon give it up."⁷ The other fault is significant, not to say ominous, for the future of France: it was the power

¹ *Ibid.*, XXXII. fol. 350-351. In March, 1789, Moustier prepared an article for the *Gazette de France*, calling attention to the collapse of the Confederation as a lesson to the admirers of the Americans.

² The *Gazette de Leyde* published it in Nos. 91-95, beginning Nov. 13, 1787. This paper gave constant attention to the movement for ratification. When it announced the final adoption in No. 72, it remarked that while Europe was suffering from an excess of ills America was at the height of her wishes. The *Gazette de France* published, Nov. 20, a short sketch of the Constitution. The *Mercur de France* published the full text in the same month.

³ Letters of Jan. 1 and Feb. 4, 1788, *Mém.*, II. 216, 222.

⁴ Franklin, *Works*, X. 1, letter of July 8, 1788.

⁵ The bishop of Arras told Gouverneur Morris in March, 1789, that the Constitution was "the best that has ever yet been found, but has some faults which arise from our imitation of the English." *Diary and Letters*, I. 34.

⁶ *Examen*, 200 ff.

⁷ *Writings* (Washington ed.), II. 586. Cf. Lafayette's letter of Jan. 1, already cited.

granted the President. Lafayette shared this conviction with others of less practical capacity, but he hoped that Washington during his presidency would use his influence to have the presidential prerogatives lessened.¹ So sound a thinker as Dêmeunier held a similar opinion.² The division of Congress into two chambers also excited criticism. Finally Franklin wrote one of his friends that although he shared the opinion that one chamber would have been better, "nothing in human affairs and schemes is perfect, and perhaps that is the case with our opinions."³

Otto's first impressions of the new Constitution were wholly favorable. He felt that American credit would rise immediately and that "Congress would be able to make advantageous treaties with foreign nations, and above all protect the property of individuals which it has never been able to do since the Revolution."⁴ Moustier reached the conclusion that the Constitution was the method adopted by the property holders to protect themselves against being plundered by cheap money and other devices. He also thought that in the end ambitious men would perpetuate themselves in power.⁵ Both he and Otto saw in the Constitution a great blow to the sovereignty of the states. Otto explained that limited to matters of internal policy the state legislatures would henceforth resemble corporations rather than sovereign assemblies.⁶

¹ Letter of Jan. 1. Cf. letter of May 25, *Mém.*, II. 227. The Duc de la Rochefoucauld wrote to Franklin expressing the hope that Washington "would set bounds to his own power, that when placed by his fellow-citizens in the highest office, he will point out to them the evils of too blind confidence and directing it to a noble end, he will provide restraints upon his own power and that of successors less worthy than himself." Franklin, *Works*, X. 2-3. La Rochefoucauld said the same thing in a speech on the veto, written for the debate in the National Assembly, Sept. 7, 1789. *Opinion* (Bibl. Nat., pièce), 12-13.

² *Encyclopédie Méthodique*, IV. article États-Unis. He notes the apprehension felt in Europe in regard to the powers of the President. Their "énormité . . . effraye avec raison." Franklin wrote his correspondent Le Veillard that he seemed too apprehensive about "our President's being perpetual. Neither he nor we have any such intention." *Works*, X. 13. Probably Jefferson's opinions acted on those of his French acquaintances, alarming them unduly upon the dangerous nature of the office. See his letters, to Adams, Nov. 13, 1787, and on the same day to Colonel Smith, *American Diplomatic Correspondence, 1783-1789*, III. 337-339; Dec. 20 to Madison, *ibid.*, 350-351; Feb. 7, 1788, to Donald, *Writings*, II. 355-356.

³ *Works*, X. 13.

⁴ Correspondance, États-Unis, XXXII. fol. 376.

⁵ *Ibid.*, XXXIII. *passim*, especially fol. 238. Moustier published a pamphlet in 1791, *De l'Intérêt de la France à une Constitution Nonarchique*, in which he argued the distinctly monarchical tendencies of the new American Union, and asserted that its character was generally misunderstood in France.

⁶ *Ibid.*, XXXII. fol. 379. Cf. a similar opinion in Mazzei's *Recherches*, IV. 182; also a eulogy of the Federal system in Mirabeau's *Analyse des Papiers Anglais*, No. 14. Otto thought the balance established between the Senate and House quite ideal, although the Senate might incline toward more intimate relations with the President. He also thought the Federal courts would add greatly to the power of the government.

It is apparent from these currents of thought among influential Frenchmen that even the sincere admirers of America were not docile pupils of American experience. Some of them were inclined to reject the very constitutional devices that the Americans had adopted as the teaching of their whole political past, and to accept merely what was similar to the speculative conclusions of the French philosophical school itself. Aside from Lafayette, Brissot was the most thoroughgoing admirer of the American system, but since he failed to be elected to the States General, his advocacy was made only through his pamphlets and his newspaper. It is also significant that of the men who were deeply interested in American constitutional principles before the opening of the Revolution not one was a member of the first committee on the Constitution. The most prominent members of that committee appear to have approved the American constitutions for their resemblances to the English system, in other words, for those very characteristics which were considered defects by those who had taken special interest in the American constitutions.

The first serious constitutional question that was brought up after the States General had become the National Assembly concerned a declaration of rights. It was the example of the American states which had made this a part of the new programme. Moreover, the contents of the various American declarations were consulted in formulating one for France. Such a conclusion would be reached from what has already been said of pre-Revolutionary writings, but there is additional evidence.

It was significant that Lafayette submitted the first project. As early as 1783 he had placed in his house a copy of the Declaration of Independence with an empty space beside it, awaiting, as he said at the time, a declaration of rights for France. He probably put his project in form early in 1789, for Jefferson wrote in January, "Everybody here is trying their hand" at such statements.¹ So far as he used American declarations as a guide it was not the Declaration of Independence but the bills of rights prefixed to the state constitutions which served this purpose.

In the National Assembly the discussion of a declaration of rights falls into two periods, for on July 11, immediately after Lafa-

¹*Mémoires*, III. 197. Jefferson's *Writings* (Ford ed.), V. 64. Lafayette subsequently wrote, "La première déclaration des droits dans le sens américain, qui ait été proclamée en Europe, est celle que Lafayette a proposée à l'assemblée nationale." He also explains that it was only after the beginning of the American era that the question had been raised of defining the rights which each man possesses independently of established society. It is in this connection that he comments on the state declarations of rights, particularly that of Virginia. "Sur la déclaration des droits," *Mém.*, II. 303-306.

yette had presented his project, everything was thrown into confusion by the dismissal of Necker. Not until July 27 did the constitutional committee make its report upon this question. There followed a preliminary debate until August 4, when attention for a week was concentrated upon the attempt to sweep away the debris of feudalism. August 12 the discussion was resumed, and was concluded only on August 26. In the report of the committee the influence of America was definitely recognized. The reporter, Champion de Cicé, archbishop of Bordeaux, said: "This noble idea, conceived in another hemisphere, should fittingly first be transferred to us. We assisted in the events which gave to North America her liberty; she shows to us upon what principles we should preserve ours."¹ But as Barère remarked, in so large an assembly there might be differences of opinion upon the possibility of "naturalizing in the Old World this product of the New and of adapting the ideas of young republics to old empires."²

There were many besides the reactionary nobility that feared the effect upon the people of such a statement of abstract principles unaccompanied by those provisions of the Constitution which would indicate the limits of their application. Mounier was one of these. He argued that the declaration should be published as a preamble to the Constitution. If in this way the exact consequences were not made known, it would, he urged, "permit the assumption of other consequences which will not be admitted by the Assembly."³ Another member of the same party, Malouet, argued that nothing could be inferred from American precedent, because the Americans were "all farmers, all proprietors, all equals."⁴ He here touched the vital difference between the situation of the two countries. However abstract may have been the principles laid down in some of the American declarations, there was scarcely anything in them which did not correspond to rights long enjoyed and entirely consistent with the political and social system, as well as the traditions of the people. But those who believed in an immediate publication of a declaration prevailed; and it was voted, August 4, not to defer this until the completion of the Constitution.

¹P. 5 of the *Rapport* attached to the *Procès-verbal* of July 27.

²*Point du Jour*, I. 376. Barère also wrote apropos of the report of the Committee of Five, August 18, which attempted to weld the several declarations, "C'est sans doute une idée neuve des législateurs qu'une déclaration des droits; mais l'exemple donné en ce genre par l'Amérique libre n'a pas encore appris à vaincre les difficultés d'un pareil ouvrage." *Ibid.*, II. 161. Cf. 168.

³*Procès-verbal*, July 9, *Rapport du Comité chargé du Travail sur la Constitution*. Cf. Lally-Tollendal's similar opinion, *Point du Jour*, I. 173.

⁴*Courrier de Provence*, No. 22, p. 22. Cf. *Point du Jour*, II. 15.

After the Assembly had completed its decrees for the abolition of feudalism it resumed the discussion of the declaration of rights and sought to draw up a satisfactory statement. Many of those who admired the American declarations felt, nevertheless, that these could be improved. Count Mathieu de Montmorency said that the French enjoyed an advantage over the Americans; they "could more boldly invoke reason and allow it to speak a language more unalloyed." "Yes," he added, "it belongs to France and to the eighteenth century to present to the world a new model and a code of reason and wisdom to be admired and imitated by other nations."¹ Mirabeau, however, was scarcely able to disguise his contempt for such exercises in phrase making. He declared that "liberty was never the fruit of a doctrine laboriously wrought out in philosophical deductions, but, rather, of daily experience and of the simple reasonings that the facts suggest." And he added: "Thus the Americans have made their declarations of rights; they have designedly laid aside abstract science; they have presented the political truth which it was necessary to establish in a form easily adopted by the people to whom alone is liberty of importance and who alone can maintain it."²

Of the various projects the most noteworthy besides that of Lafayette were those submitted by Mounier and by the Abbé Sieyès. Mounier's project was confessedly based on that of Lafayette.³ Lafayette himself believed that this was true of all the others, and it was also asserted in the course of the debate.⁴ Undoubtedly Sieyès would not have sanctioned a view which would rob him of any of his prestige as an independent source of political inspiration. But the general influence of the American declarations does not depend upon the leadership of Lafayette in this matter. Rabaut de St. Etienne affirmed this influence unequivocally, although he preferred the project of Sieyès. He said, "You have decided to make a declaration of rights because your cahiers impose this duty upon you; and your cahiers have spoken to you of it because France

¹ *Discours* (Bibl. Nat., pièce), Aug. 3, p. 15. Mme. De Staël remarked in her *Considérations sur la Révolution Française*, "Quand la déclaration des droits de l'homme parut dans l'assemblée constituante au milieu de tous ces jeunes gentilshommes naguère courtisans, ils apportèrent l'un après l'autre à la tribune leurs phrases philosophiques, se complaisant dans des débats minutieux sur la rédaction de telle ou telle maxime, dont la vérité est pourtant si évidente, que les mots les plus simples de toutes les langues peuvent l'exprimer également." I 274.

² *Courrier de Provence*, No. 27, pp. 4-5, on the debate of August 17-18. Cf. No. 29 and No. 33; E. Dumont, *Recollections of Mirabeau*, 112-114.

³ *Exposé de la Conduite de M. de Mounier dans l'Assemblée Nationale*, Nov. 17, 1789, p. 123.

⁴ By the Abbé de Bonnefoi, Aug. 19.

has had for her example America.”¹ His only fear seemed to be lest the imitation might be slavish. The whole debate left upon the mind of Necker the impression which he later embodied in the remark, “The first seeds of these ideas of equality were scattered abroad in adopting for the kingdom of France the declarations of rights of several American republics.”²

In the course of the debate only one of the speakers ventured to criticize severely the American declarations. This was Cr ni re. He insisted upon a distinction between a statement of principles and a declaration of rights. Rights, he said, were the result of agreement, not the consequence of principles. This disciple of Rousseau then continued, “If the boasted declaration of the United States is an agreement of this sort we should be wrong in taking it as a model,” for it is “on several accounts a most inept act, an intentional affront to liberty.” He was vigorously rebuked by D meunier, who testified to their indebtedness to the Americans for light upon liberty.³

Among the projects which differed more in form than in substance it proved impossible for the Assembly to choose. Accordingly, August 12, a committee of five was appointed to embody what was best in each. As this committee failed to present an acceptable statement, each bureau was asked to offer a project. That of the sixth bureau was chosen as a basis for the final task of statement, but it was amended beyond recognition, and the result was quite as much due to happy improvisation as to long meditation.⁴ It was essentially a literary endeavor. How far the content of the French declaration may have been influenced by the American bills of rights may be a matter of doubt, but the example of the Americans in prefixing such a declaration to their constitutions was decisive.⁵

¹ *Moniteur*, r impression, I. 349. It is to be remembered that this version by the *Moniteur* was taken from some contemporary newspaper, as the *Moniteur* did not begin publication until November.

² *De la R volution Fran oise*, par M. Necker, II. 36.

³ This account is taken from Bar re’s *Point du Jour*, II. 162–163. Bar re does not give Cr ni re’s severe words: he says, “M. Cr ni res a ensuite caract ris  fortement cet acte des Am ricains, et il a annonc  qu’il prouverait un jour la qualification qu’il lui donne.” The *Courrier de Provence* says Cr ni re called the “declarations si vant es des Am ricains . . . ineptitudes,” No. 29, p. 2. The exact words seem to have been given in the *Mercure de France*, Aug. 29, p. 346, “  divers titres l’acte le plus inepte, l’attentat le plus m dit  contre la libert .” This criticism the *Mercure* first attributed to D meunier himself, but on receiving a note from D meunier the mistake was corrected.

⁴ Mounier in his *Expos * (p. 32) says that several articles adopted August 20 were taken from Lafayette’s project, and others on August 21 from his own. Robespierre — called M. Robert-Pierre by Bar re — argued August 24 for an article on the complete liberty of the press like that in the American constitutions. *Point du Jour*, II. 208.

⁵ Professor Georg Jellinek in his *Declaration of the Rights of Man and of Citizens*, tr. by Professor Farrand, argues the close dependence of the French declaration upon its

Before the debate on the declaration of rights came to an end the divisions between those who had hitherto been counted supporters of the Revolution became more clearly marked. The heavy sacrifices which the decrees of August 4 had imposed on the privileged classes had alarmed the more conservative. Their fears were increased by the continuance of disorder in the provinces and the utter prostration of governmental authority. These men, drawn together by common ideals, gradually organized a party or group in the Assembly. They had a central committee and subcommittees. Although they did not control a majority of votes, they used their forces so effectively that for a time they appeared to command the situation. Their leaders were La Luzerne (bishop of Langres), Mounier, Malouet, Bergasse, Lally-Tollendal, Clermont-Tonnerre, and Virieu. The group was principally made up of members of the Third Estate with a few recruits from among the nobility.¹

The more radical part of the Assembly was led by Barnave, Duport, and the Lameths. Their strength lay not so much in the actual number of adherents that they possessed as in the fact that a great many deputies who generally seemed inclined to follow the leadership of Mounier refused to follow him in any course of action which was likely to compromise the gains of August 4. The hesitation of the King in accepting these decrees predisposed such deputies to oppose any constitutional provisions which would increase his power of resistance. Accordingly they often voted with Barnave instead of with Mounier.

In marking out the framework of the Constitution the initiative belonged to Mounier and his friends because they were the majority of the committee. It becomes important, therefore, to understand their attitude toward American constitutional principles. This is made clear not only by their speeches and reports, but also by a book on government which Mounier wrote during the discussion of the declaration of rights and published at this juncture to influ-

American predecessors. His thesis is severely handled by M. Boutmy in the *Annales des Sciences Politiques* for July 15, 1902. Although M. Boutmy seems to have the best of the argument in general, he pushes his denial of relationship quite beyond what the history of the debate in the National Assembly permits. See further A. Bertrand, *La Déclaration des Droits de l'Homme et du Citoyen* (Paris, 1900) and E. Blum, *La Déclaration des Droits de l'Homme et du Citoyen* (Paris, 1902).

¹ Malouet, *Mémoires*, I. 302-303. Cf. A. Mathiez, *Revue Historique*, LXVII. 267 ff. See also the *Journal de l'Assemblée Nationale*, Sept. 1, 1789, by Gaultier de Biauzat, who says this party first showed its hand Aug. 23 on the question of religious opinions. Fr. Mège, *Gaultier de Biauzat, sa Vie et sa Correspondance*, II. 269-270. Jefferson thought this group unwittingly played into the hands of the aristocrats. *Autobiography*, in *Writings*, I. 104.

ence public opinion.¹ Mounier's views on the American system were formed rather from a contemplation of the weakness of the Confederation and the disorders in the states than from a knowledge of the prospects of government under the new Federal Constitution. Although he says that the United States had approached the true principles of liberty more closely than all ancient or modern republics, he adds that such a government is suited only to a small population of quiet manners. The American veto seemed to him too weak to hold the legislatures in check. He approved the property qualification demanded for senators and insisted on American experience with the single chamber system. He said that the Pennsylvanians now recognized that their constitution had been directed by ideas too abstract and metaphysical, and that they were on the point of adopting the bicameral system. He believed that a senate like most of those in America was the utmost his party could offer to the radicals as a basis of compromise. In accordance with this idea, although he confessed his preference for a chamber of peers like the English House of Lords, he suggested a senate of 300 members chosen by the provincial assemblies, each member to be at least thirty-five years old and to enjoy an income of 10,000 livres from real estate. It was not to alter the terms of tax laws, but could amend other bills sent up for its consideration. It was also to be a high court for impeachments.²

Another member of the committee, Lally-Tollendal, who belonged to the same group, did not consider Mounier's minimum an acceptable basis for a compromise. He thought such a senate would not acquire a sufficient weight as a distinct power in the political balance, and that it would be hardly more than a second section

¹ *Considérations sur le Gouvernement et principalement sur celui qui Convient à la France*. For the date, see his *Exposé*, 31. Mounier thought that the new Federal system in order to maintain itself would be obliged to compel the states to serious sacrifices and would finally crush them altogether. The position of the President would, he believed, become a subject of intrigue, and the only remedy would be found in an hereditary stadholderate. He also saw a germ of servitude in the power of Congress to legislate for the District of Columbia, "car les Membres du Congrès auront des sujets auxquels ils donneront les Loix" (p. 16). Lafayette regarded Mounier as wholly an admirer of the English constitution and as having little knowledge of American constitutional principles, *Mém.*, IV. 72-85. Cf. *Patriote Français*, No. 36.

² Mounier said later that, while he proposed this compromise, he was so convinced of the need of a chamber of peers that he urged Bergasse to fight for such a solution. *Recherches sur les Causes qui ont Empêché les Français de Devenir Libres*, II. 262-263. La Luzerene had published a pamphlet at the opening of the States General, *Sur la Forme d'Opiner aux États-Généraux*, in which he suggested that the nobility and the clergy be put in one chamber and the Third Estate in the other. He supported his argument by citing the example of the United States, remarking that they in "établissant la constitution la plus républicaine qu'ils puissent imaginer, n'ont pas voulu déposer la totalité du pouvoir dans une seule assemblée. Ils ont formé le congrès de deux chambres" (pp. 10-11).

of a single chamber. He argued for a senate which was simply a thinly disguised chamber of peers. Its members were to be appointed for life by the king from lists of nominees made by the provincial assemblies. Unable to agree in its report, the committee contented itself with recommending the bicameral system and made no attempt to fix the character of the upper chamber.¹ It further declared for the grant of a veto to the king as well as of the right of dissolving the lower house.

According to Jefferson's rather sanguine view of the situation, American precedents were exercising at this time a determining influence. On August 28 he wrote to Madison, "Our proceedings have been viewed as a model for them on every occasion; and tho in the heat of debate men are generally disposed to contradict authority urged by their opponents, ours has been treated like that of the Bible, open to explanation but not to question."²

Although certain constitutional features of the American system undoubtedly exercised some influence, this system was not the ideal of the committee. They were justly called "Anglomaniacs." Their use of American examples was often in the nature of an argument *a fortiori*. Lally-Tollendal in his personal report, while disclaiming a comparison between France and the American repub-

¹ *Procès-verbal*, August 31, annexed *Rapport*, p. 30. In reference to the part the provincial assemblies were to play, a few tendencies of thought should be noted. Jefferson wrote to Madison, August 28, that "the provincial assemblies will be entrusted with almost the whole of the details which our state governments exercise. They will have their own judiciary, final in all but great cases, the Executive business will principally pass through their hands and a certain local legislature will be allowed them. In short ours has been professedly their model, in which such changes are made as a difference of circumstances rendered necessary." *Writings* (Ford ed.), V. 109. In a debate over Paris, July 23, Mirabeau in support of his contention that Paris had a right to organize itself had cited the American example of leaving "à tous ces états le choix du Gouvernement qu'il leur plaira d'adopter pourvu qu'ils soient républicaines, et qu'ils fassent partie de la confédération" (*Dix-Neuvième Lettre du Comte de Mirabeau à ses Commettans*, 53-54). But if Mirabeau had any tendencies toward this sort of federalism, he abjured them a month later. Brissot, whose project for the municipal constitution of Paris was accepted as a working basis, asserted local autonomy in unmistakable terms. The sphere of the National Assembly is to embrace the objects common to all the provinces and to sanction the constitution the different provinces give themselves. This sanction he calls "le lien fédéral" (*Observations sur le Plan de la Municipalité de Paris*, Nov. 15, 1789). Brissot had first printed this preamble in his *Patriote Français*, No. IX., August 6. Lafayette feared that the plan of allowing the existing provincial assemblies to choose the senators would encourage these assemblies to become too independent in spirit. He therefore suggested an increase in their number "afin d'éviter l'esprit de provinces confédérées." From a letter written about September 1, 1789, *Mém.*, II. 323-324. In the debate on the veto fears of "federalism" were more vigorously expressed by Sieyès, Virieu, and others.

² Letter to Madison, *Writings* (Ford ed.), V. 110. Morris had written to Carmichael in July. "They want an American constitution, with the exception of a King instead of a President," *Diary and Letters*, I. 113-114. Brissot heard of murmurs against the citation of American examples if Jefferson did not (*Patriote Français*, No. 26, p. 4). ♦

lics, inhabited as these were by farmers, insisted that if both Adams and his critic Livingston agreed in the necessity of a division of the legislature, "if the Americans, enlightened by their Publicists, convinced by experience, have almost all adopted the plan of three powers—in their chamber of representatives, their senate, and their governor—is not this necessity recognized by them an invincible demonstration of the necessity to which we should yield?"¹ A few days later Mounier alluded to the system of the Americans "who are proposed to us as models" and expressed astonishment that any one should propose to grant to the French monarch fewer prerogatives than to the American President, and concluded by referring to the weakness of the American executive, a weakness which would mean ruin to a country like France.² Still another member of the group, in an argument from American precedents, explained that the Americans had followed "the English constitution attentively in everything that concerned the distinction and the limitation of the powers."³

Before the two parties in the National Assembly had begun their contest over the propositions of the committee, Lafayette attempted to bring the leaders together and to discover an acceptable compromise. No one in France had more influence than he at this time, although his position at the head of the National Guard precluded any direct intervention in the debate. His programme, which he explained in a private letter,⁴ included a suspensive or iterative veto which would enable the king either to consult the nation or to influence the deputies, and two chambers, the second to be composed of senators chosen for six years by the provincial assemblies. At his suggestion conferences were begun between Mounier and Barnave, supported by their friends. The most important of these conferences was held, probably August 27, at Jefferson's house. For six hours the discussion went on and when it came to an end a compromise seemed within reach. Indeed, Jefferson, writing only three weeks afterwards, asserted that one had been agreed upon, although he was unable to explain why it had not been carried out. But Mounier, in his justification of his conduct written in November, intimated that the conferences were unsuccessful. He said his opponents offered to vote for the absolute veto and for two chambers if he would consent to leave the

¹ *Rapport de M. le Comte de Lally-Tollendal*, 22-24.

² *Procès-verbal* for Sept. 4, annexed speech, 38. Mounier calls the President "Président du Congrès," although thinking of the new office. Brissot and others made the same mistake.

³ Bergasse, *Discours* (Bibl. Nat., pièce, Sept. 7), printed but not delivered, 45-46.

⁴ *Mém.*, II. 323-324.

upper chamber without the power of altering projects of law, making it simply a chamber of revision, and if he would also refuse to the king the power of dissolving the lower chamber and would vote for a scheme of national conventions for the revision of the Constitution. This compromise was so close to the minimum which Mounier had himself outlined in his book that it is difficult to understand why he refused it. He evidently did not altogether give up the hope of ultimately reaching an agreement, for in his report and in his speeches he continued to suggest a senate far beneath his ideal. In this his friend Malouet, who was also at the conference, assisted him. According to Mounier there was another conference at Versailles August 29, and when this broke up Barnave and his friends asserted that they would henceforth argue for a suspensive veto and would act on public opinion at Paris.¹

Perhaps Mounier would have been more ready to accept a compromise had he not overestimated the strength of his following in the Assembly. Unhappily for him he could not count on the support of even the nobles. The provincial nobility, assuming that the senate was a chamber of peers in disguise, feared that all the peerages would be given to the court nobles. Others thought preference would be given to the nobles who had first declared for the Third Estate during the controversy about the organization of the States General. Still others hoped that the very tyrannies of a single chamber would be the means of disgusting the nation with the Revolution and would lead to at least a partial restoration of the old order of things.²

¹ Jefferson, letter of Sept. 20, *American Diplomatic Correspondence, 1783-1789*, IV. 144. The account given by Jefferson in his Autobiography is rather fanciful, and the alleged results of the conference are not borne out by the records. In a letter to Jay, Aug. 27, Jefferson wrote: "I can now state to you the outlines of what the leading members have in contemplation. . . . The legislative to be a single house of representatives, chosen for two or three years. They propose a body, whom they call a senate, to be chosen by the provincial assemblies, as our federal senate is, but with no power of negating or amending laws; they may only remonstrate on them to the representatives, who will decide by a simple majority the ultimate event of a law. . . . It is proposed that they shall be of a certain age and property, and be for life" (*Ibid.*, 135). In writing to Madison the next day he makes the same statement. As Mounier declared the last conference took place August 29, it is probable the conference at Jefferson's house was held before the letters to Jay and to Madison were written. This is also the implication of Jefferson's words, "I can now state," etc. If so, the compromise which Jefferson believed had been agreed upon is given in his two letters. The implication of Lafayette's later comments was that no compromise was reached. Evidently the result was not clear. Mounier, *Exposé*, 37-38; Lafayette, *Mémoires*, II. 298-299; III. 203, 514; IV. 200-201. Cf. III. 231. Two years later Barnave and his friends were plotting to revise the Constitution and to institute an elected second chamber. *Mémoires of Mallet du Pan*, I. 263, 443.

² Rabaut de Saint Etienne, *Précis de l'Histoire de la Révolution Française* (ed. 1819, first published in 1792), II. 88-90. Cf. Lafayette, *Mém.*, II. 299.

When the discussion was begun, an attempt was made to separate the question of the veto from that of the two chambers, but this was found impracticable, for if the king was to receive the right of veto many saw no reason to permit another veto, namely, that of an upper chamber over the decisions of the lower. The debate was hardly more than a series of set speeches in which the orators made no effort to meet the arguments of those who had preceded them.¹ The Assembly was, therefore, little nearer an intelligent settlement of the issue when a vote was taken than before the first speeches were made. This is less true of the discussion of the veto than of the debate on the organization of the legislature.

The veto power bore too close a relation to the gains of August 4 not to excite the interest of the country. The discussion had hardly been opened before the agitators of the Palais Royal attempted to start a march upon Versailles, directed particularly against the party of "corrupt commoners," Mounier and his friends, who were betraying the Constitution to the aristocrats. The firmness of the provisional government of Paris defeated this scheme and also checked the movement among the district assemblies of the city to force a decision of the question by a referendum.

The issue lay between an absolute veto and some form of delay, either by suspending the decision until the next or a succeeding legislature or by referring it to the vote of the primary assemblies. The proposition to dissolve the legislature and go before the voters with a question or to send to them for a special mandate seemed to many like transferring the legislative power to the bailiwicks and turning the country into a monstrous federation. Sieyès declared it would divide France into "little democracies, which would be united only in a general confederation, almost as the thirteen or fourteen United States of America are confederated in general convention." Such a fate he deprecated. "France," he exclaimed, "is not a collection of states; it is one whole composed of integral parts."² The ominous rumors of independent action from one or two provinces, as well as from several districts in Paris, dissatisfied with the course the Constitution was taking, led some of the liberals to recoil a little. On September 7 the Duc de la Rochefoucauld confessed he had changed his opinion during the

¹ Mallet du Pan in the *Mercure de France*, September 12, protested against turning the Assembly into an academy. The same criticism was made by Mirabeau's *Courrier de Provence*, No. 39, and by the *Journal de Paris*, September 9.

² *Procès-verbal*, September 7, annexed speech, pp. 10-11. Cf. *Courrier de Provence*, No. 36, pp. 10-11, and the *Discours du Comte d'Antraignes*, p. 14. Also the speech of Virieu in the *Mercure de France*, September 19.

last five days, and that instead of an immediate appeal to the people he advocated a suspension of decision until the next legislature.

As the partizans of the suspensive veto seemed to be gaining ground, the situation was more favorable for an advocacy of the American plan embodied in the new Constitution. The only man who urged this solution intelligently was Brissot, just then one of the most influential politicians in Paris. On September 4 he declared in his newspaper that the absolute veto meant despotism, or the will of one man, and that the suspensive veto meant anarchy, or a will impossible to reach. He clearly explained the American system, which, said he, had no other object than to bring about a fresh discussion and did not serve as an obstacle to legislation.¹ Brissot found little hearing because both parties agreed in seeing hardly any analogy between the two situations, a veto in the hands of a king being a different thing from the right of an elected officer to force a reconsideration.² The Duc de la Rochefoucauld called even the President's veto a feeble shadow of the royal sanction.³ But so far as it could be brought into comparison it was considered a species of suspensive veto. Even Brissot later acknowledged that it must be so classified, although he did not abandon his conviction that it was more prompt and less dangerous in its effects than the form actually adopted.⁴

As already pointed out, the question of a second chamber was closely related to the problem of the veto, because if the main argument urged for the grant of a veto was the necessity of deliberation this need was satisfied by giving the king the power to postpone decisions over one or two legislatures. Such a consideration led admirers of America, like the Duc de la Rochefoucauld, to disregard the argument for two chambers that was based on American experience. He said, "I shall not be frightened out of my conclusion by the example of the two American states, of which one (Georgia) has already exchanged its single legislature for two legislative bodies, and the other (Pennsylvania) will soon, it is reported, adopt this complicated system." He explained that the French had one "means not possessed by the Americans of providing against the dangers which come from the unity of the legislative body, namely, the *royal sanction*."⁵ Nevertheless he was in favor of a chamber of

¹*Patriote Français*, Nos. 34, 35, 36, 37, 42. Brissot thought the discussion showed ignorance of American institutions.

²Barère even said the Americans had not been obliged to face so grave a question as the grant of a veto. *Point du Jour*, II. 265.

³Speech of September 7.

⁴*Patriote Français*, No. 42. Cf. *Mercure de France*, September 12.

⁵Speech of September 7.

revision chosen by the primary assemblies. Another admirer of America, Dêmeunier, advocated the same solution.

The inclination to find a sufficient check in a suspensive veto was increased by the manner in which the admirers of the English system, particularly Lally-Tollendal, represented the machinery of government as a set of forces skilfully correlated so that each counteracts the dangerous tendencies of the others. As Barère put the matter in his newspaper at the beginning of the debate: "England offers her three powers, *astonished* at the knot which binds them together, and America presents her senate, her governors, and her representatives. Among the publicists, some subject an empire to the laws of mechanics, boasting of the equilibrium and balance of opposed and interdependent powers."¹ Thouret was one of those who felt an ill-disguised contempt for the doctrine of the balance of powers, which he referred to as "this machine, repaired recently by Mr. Adams, which has lost in good minds its ancient credit."² This was not the only time John Adams was scornfully treated because of his book. Lanjuinais spoke of him as "the Anglo-American Mr. Adams, whose vote is only that of a blind partizan of inequality."³ Another speaker referred to him as the "Don Quichotte of the nobility, the corrupt tutor of a grand seigneur."⁴

Several leading men also felt that a senate would somehow bring back the system destroyed by the triumph of the Third Estate in June. Mirabeau's journal declared that the "project of a senate proposed by the committee, far from obtaining any favor, has inspired much alarm. The senate has been represented, either as the asylum of the ancient aristocracy, masked under another name, or the cradle of a new aristocracy."⁵ Rabaut de St. Etienne said that it was feared that a body of senators chosen for life could too easily be corrupted by the court; but he confessed that the bearings of this plan and of the other for senators elected for six years were not at the time clearly understood.⁶

Even many of those most determined in their opposition to this scheme were not opposed to two chambers of the American sort. They did not, however, feel that this alternative was within reach,

¹*Point du Jour*, II. 256.

²*Ibid.*, 313.

³*Mercure de France*, September 19.

⁴*Logographe*, II. 321.

⁵*Courrier de Provence*, No. 37. Lafayette wrote to M. D'Hennings in 1799 that the plan of an elective senate "fut repoussée par les metaphysiciens, par les économistes et par la foule des niveleurs qui prenaient un sénat électif pour une chambre de noblesse, et par les courtisans de cette foule; elle le fut aussi par les aristocrates forcenés, qui . . . votèrent pour ce qui leur parut le plus mauvais." *Mém.*, III. 231.

⁶In his *Précis*.

for they looked upon the American Senate as practically a second section of a single legislative body.¹ One of them touched another phase of the question in the remark: "They tell us of the American Senate. There it can be necessary because there is no royal influence." Dupont de Nemours and Sieyès suggested plans by which the deputies might be divided into two sections after they had been chosen or organized.²

On September 7, after a tumultuous session, it was voted to close the discussion and formulate the questions in order to bring them to vote. This task proved very difficult, but finally from sheer weariness the Assembly accepted the form suggested by Camus, a form in which, according to Mirabeau's journal, "not one of the questions was clearly put and scarcely one in its proper place."³ The questions were: first, shall the National Assembly be permanent or periodical; second, shall there be a single chamber, or two; third, shall there be a royal sanction; fourth, shall it be absolute or suspensive? The form in which the first was put seemed to pledge those who voted either way to vote also for the single chamber. And the second was so stated that all those who were opposed to any one of the several kinds of upper chambers would be obliged to vote for a single chamber. It is not surprising, therefore, that when the actual voting began the confusion increased. It happened that the president was a member of Mounier's group. He was so strongly suspected of trying to give the members of that group an opportunity to argue the general question further that he was insulted, and immediately resigned. The tumult was increased by the exclamation of Virieu that the bicameral system was the only means of protecting the legislature from unscrupulous demagogues. This apparently made votes for the other side. All these combined causes led to the decisive rejection of the bicameral system. Out of 1060 present only 89 voted for two chambers, while 122 explained that they had not yet reached a conclusion.⁴

There was an echo of this debate in May, 1791, when the method of legislative procedure was made the subject of a report. Buzot

¹*Point du Jour*, II. 316. Barère thought an indivisible body more active.

²*Logographe*, II. 296, 321.

³*Courrier de Provence*, No. 39, p. 3.

⁴Barère made this comment: "Ainsi point de sénat; nous ne pouvons espérer que du temps . . . l'oubli total des antiques privilèges, et un sénat en ce moment, réveilleroit le germe destructeur des prétentions." *Point du Jour*, II. 345. This crushing defeat led to the resignation of the committee. With the failure of the senate plan disappeared also this opportunity to add to the functions of the provincial assemblies and to develop the analogy between them and the American states. The succeeding committee substituted a brand-new division of the whole country into departments.

proposed that each month the legislature be divided by lot into two sections in order to insure a ripe discussion. He anticipated that this proposition would be opposed as identical with the rejected scheme of two chambers and therefore he declared, "I distrust and detest, with all patriots, the establishment of two chambers." In saying this he had in mind the plan of Lally-Tollendal, for he speaks of one chamber as composed of privileged individuals. He argued from the practice of the American states, although instead of two homogeneous chambers he asked for two sections of the same chamber.¹ He also reminded the Assembly that Franklin, the author of the first Pennsylvania constitution, had since recognized his error. Pétion supported Buzot's suggestion and asserted that almost all the American legislatures proceeded in much the same way, which was certainly making the most of the fact of occasional joint sessions. The scheme, however, came to nothing.

The question of the veto was settled by the grant to the king of a suspensive veto, making impossible the passage of a bill disapproved by him until the third legislature. Such a veto had all the objectionable features of an absolute veto, and it also pointed to the king as the only obstacle to the immediate enjoyment of the benefits of legislation which — so the agitators would declare — was sure to be enacted into law after the constitutional interval was ended.

The lesson of all this hardly needs urging. It was natural that the ardent revolutionists of 1789, in making a constitution which should render impossible the return of the old régime, should not be enthusiastic for those features of the American constitutional system that suggested distrust of the popular will. It was also natural that their imaginations should be conquered by the American device of prefixing to a constitution a declaration of the rights which had been the theme of their own philosophers, and the goal toward which English law had been tending since the Great Charter. Not all Frenchmen are agreed that it was well to have followed such an example, but although the Constitution was ruined in the fall of the monarchy, "the principles of 1789," embodied in the Declaration of Rights, were to be the rallying cry of liberal France throughout the nineteenth century.

HENRY E. BOURNE.

¹*Moniteur*, réimpression, VIII. 463-465. Brissot, who in 1789 had been an advocate of the American system, seems to have changed his mind and come to the conclusion that this plan was better. *Patriote Français*, No. 652.

HENRY I.'S WRIT REGARDING THE LOCAL COURTS

THE text of Henry I.'s writ regarding the local courts, published by Dr. Liebermann in his *Quadripartitus*, p. 165, presents it in a form which renders its interpretation easier than the older text printed by Stubbs in his *Select Charters*, p. 104. For convenience Dr. Liebermann's text is given here :

Henricus, Dei gratia rex Anglorum, omnibus fidelibus suis, Francis et Anglis, salutem ! Sciatis, quod concedo et precipio, ut amodo comitatus mei et hundreta in illis locis et eisdem terminis sedeant, sicut sederunt in tempore regis Eadwardi ; et non aliter. Et nolo, ut vicecomes meus propter aliquod necessarium suum, quod sibi pertineat, faciat ea sedere aliter. Ego enim, quando voluero, faciam ea satis submoneri pro mea dominica necessitate secundum voluntatem meam. Et si amodo exurgat placitum de divisione terrarum vel de occupatione, si est inter dominicos barones meos, tractetur placitum in curia mea. Et si est inter vavadores alicuius baronis mei honoris, tractetur placitum in curia domini eorum. Et si est inter vavadores duorum dominorum tractetur in comitatu. Et hoc duello fiat, nisi in eis ramanserit. Et volo et precipio, ut omnes de comitatu eant ad comitatus et hundreta, sicut fecerunt in tempore regis Eadwardi ; et non remaneant propter aliquam pacem meam vel quietudinem, quin sequantur placita mea et iudicia mea, sicut tunc temporis fecissent.

A simple reading of this writ shows that it falls into two distinct parts. The first, down to the sentence beginning "Et si amodo exurgat," deals with what has been commonly called "the restoration of the ancient courts."¹ Restoration is a somewhat ambiguous word. It may mean no more than that the courts had fallen into disorder in the matters of time and place, or it may mean that they had fallen into decay and disuse, and so needed to be restored as a system. It is evident, I think, from the language of the writ that only the first can be meant. The writ shows clearly that these courts have been meeting constantly, indeed it would seem to be implied that they have been meeting too often, and this inference is strengthened by the form of statement in the *Leges Henrici VII.*, I,² where this writ is referred to. The practice against which this order is especially directed would seem to be the abuse of his position by the sheriff to order the meeting of the local courts at unusual times

¹ See Stubbs, *Cons. Hist.*, I. 425 ; Liebermann, *Trans. Royal Hist. Soc. N. S.*, VII. 93 ; "rétablissant les cours de comté." Bémont. *Rev. Crit. Hist. et Lit.*, XXXIII. 469 For the text see also *Hist. MSS. Com.*, XII., App. IX., p. 119.

² Stubbs, *Select Charters*, 105.

and places for some purpose of his own. This must now cease, but the king seems to say, to paraphrase the last sentence of this part of the writ: "I cannot promise that extra sessions of the courts will never be called; some necessity really affecting the state may arise which will make them necessary, but if such a case occurs I will see to it that sufficient notice is given to reduce the inconvenience to the smallest possible."

The second part, which follows this sentence, gives rise to suggestions which seem to make it, institutionally considered, much the more important portion of the writ. It will be readily seen that this part concerns three things: (1) what courts shall have jurisdiction in certain cases; (2) a question of procedure in these cases; (3) attendance at the local courts. It is with the first of these points that question immediately arises. Three kinds of cases are mentioned, all concerning land held by feudal tenure. We should expect them to be tried in a feudal court and by feudal law. The first two kinds of cases mentioned call for no comment. A case between two vassals of the king goes into his court; one between two vassals of the same mean lord goes into his court, as we should expect. But the third strikes us with some surprise. A case between the vassals of two different lords goes into the county court. To order a case involving feudal law out of a feudal court into the old local popular court would hardly seem to be possible. Either of two different dispositions of the case would seem to be more natural: that the case should be tried in the court of the defendant, see *Leges Henrici* c. XXV., or that it should be tried in the court of the first overlord common to both, which in almost all cases at least would be the court of the king, see *Cons. of Clarendon* c. IX. A suggestion for the solution of this difficulty comes from the Constitution of Conrad II., of 1037. The second paragraph of that document, after providing for the carrying of certain cases directly to the king, closes thus: "*Hoc autem de maioribus walfassoribus observetur. De minoribus vero in regno aut ante seniores aut ante nostrum missum eorum causa finiatur.*" If the king's *missus* is present the local court becomes the king's court and the disposition of the case made by the writ is entirely regular. Can we go so far as to say that this writ gives evidence of the existence of itinerant justice courts as early as 1111, regularly organized to such an extent at least as to be taken for granted?

The second point of this part of the writ, the point regarding procedure, appears to bear directly on this question. Cases of this sort are to be decided by the duel, unless for some special reason it is omitted. It would seem as if the king's meaning might be

stated as follows: the case is to go into the county court, but there need be no fear that this subjects it to the old Saxon methods of trial; the court is the king's, not the old popular court, and the Norman method of trial is preserved. If this interpretation is correct, the sentence implies that this arrangement was not entirely new, but had been of long enough standing at least for this question of procedure to arise and to make it seem to the king advisable to give it a formal answer.

The last sentence of the writ, that which concerns attendance at the local courts, seems to get in this way its most natural interpretation also. Its essential point is that no liberties or immunities are to excuse from attendance when king's pleas are to be tried, that is, when the king's justice is present, exactly the later regulation for the itinerant justice court in the county. If we turn again to the passage in the *Leges Henrici* c. VII., which a few years later made use of this writ and enlarged upon it, we find some confirmation for this interpretation. VII. 2 states the composition of the county court in terms which, while different in detail, remind us strikingly of those used in the writ of Henry III., of 1231,¹ which is usually used as typical of the composition of the county court which met the itinerant justices in the thirteenth century, and they appear to include the same classes with the possible exception of the burgesses. It is hardly possible to suppose that this is the every-day shire court under the sheriff, acting merely as sheriff. The presence of the bishop is particularly noteworthy. If the ordinary interpretation is to be given to the writ of William I. separating the spiritual and temporal courts, the presence of the bishop in the ordinary county court would not be easy of explanation. If this is a king's court held in the county, his presence is natural and to be expected. This interpretation is rendered almost necessary by the first words of VII. 3: "*Agantur itaque primo debita veræ Christianitatis jura; secundo regis placita.*" This court, whatever it is, tries cases which affect the Church. Apparently we must conclude that this is a king's court, in which case the statement presents no difficulty; or we must modify in a very decided way our understanding of William's legislation on this point, an alternative which is not easy in view of the clearness of the language in which that is expressed.

If this were the whole of the case, I think we should be led to conclude with a good deal of probability that the itinerant justice system had been in operation, as a fairly regular and organized system, from an early date in the reign of Henry I. It is possible

¹ Stubbs, *Select Charters*, 358.

AM. HIST. REV., VOL. VIII.—32.

that this is the meaning in any case, but Glanvill shows us, see especially XII. 8, cases which do not differ in principle from those mentioned in this writ going from the feudal court of the barons to the sheriff's county court, which must then have been considered as a court having jurisdiction of civil cases naturally falling in a king's court. The position of the sheriff as justice in the somewhat different matter of pleas of the Crown is too well known to need illustration, but for the time of Henry I. see *Leges Henrici* c. X. The sheriff seems also to have been called *justitia regis* in the reign of Henry I.¹ Taking these facts into account, all that we can say is that the writ of Henry I. gives evidence that the county court was used as early as this date as the basis of a local king's court with a composition similar to that of the later itinerant justice court, and like it suspending the immunities granted by charter from attendance at the ordinary local courts. If not the itinerant justice court itself, the county court of this writ is its forerunner and furnishes the foundation on which that system was erected at some later date, perhaps in the same reign. As a matter of probability, it is likely that this was occasionally an itinerant justice court from the beginning, and occasionally a sheriff's, king's court, and that a regular system of itinerant justices was reached only gradually. I would not, however, insist too strongly on any conclusions from a course of reasoning based on so scanty a body of material, and I have endeavored throughout to suggest rather than to affirm, but the problem which this material presents is an interesting one and deserving of attention.

GEORGE BURTON ADAMS.

¹ See Stubbs, *Cons. Hist.*, I. 420, n. 1, and Liebermann, *Leges. Edw. Conf.*, 73. An example of this usage in *Edw. Conf.* is found in c. IX., where *justitia regis* can hardly mean any one but the sheriff. Compare c. III. with *Hen. c. VII.*, 3.

DOCUMENTS

1. *George Rogers Clark and the Kaskaskia Campaign, 1777-1778.*

THE transcripts of the following documents are kindly furnished by Secretary Thwaites, of the Wisconsin State Historical Society, from the George Rogers Clark papers in the extensive Draper collection. This collection includes more important material, among the documents being the original of Clark's Memoir. From the original documents of a single year a few have been selected to show the kind of material on which Clark based his Memoir, and are of value, therefore, not only in the detail which they furnish for our understanding of the campaign, but also in the light they cast upon the authority of the Memoir itself.

Attention may be called to the use which was made of this collection in the paper on "Western State-Making in the Revolutionary Era," published in the first volume of the *AMERICAN HISTORICAL REVIEW*. In the *Report of the American Historical Association* for 1895 were reprinted many documents from the same collection bearing upon the relations between George Rogers Clark and Genet. The present installment deals principally with the conditions immediately preceding and following the capture of Kaskaskia in 1778. In the *REVIEW* for October, 1895, I. 90, were published the intercepted letters and journal of George Rogers Clark, 1779, from the Canadian archives.

FREDERICK J. TURNER.

I. GEORGE ROGERS CLARK TO [PATRICK HENRY?] ¹

Sir — According to promise I haste to give you a description of the town of Kuskuskies, and my plan for taking of it. It is situated 30 leagues above the mouth of the Ohio, on a river of its own name, five miles from its mouth and two miles east of the Mississippi. On the west side of the Mississippi 3 miles from Kuskuskies is the village of Mozier, [Miseré — St. Genevieve] belonging to the Spaniards. The town of

¹ Draper MSS., 48J13. This is a copy; the original is lacking. The following note precedes the copy: "Copy of an old and much decayed letter of Gen^l G. R. Clark, written plainly in the summer or fall of 1777, and very likely addressed to Gov^t Pat^r Henry. It is transcribed as fully as could be done — as the original has been wet, and is much worn and faded. L. C. D[raper]." In his Memoir Clark states that he communicated his views to Patrick Henry, December 10, 1777: English, *Conquest of the Northwest*, I. 468.

Kuskuskies contains about one hundred families of French and English, and carry on an extensive trade with the Indians; and they have a considerable number of negroes that bear arms and are chiefly employed in managing their farms that lay around the town, and send a considerable quantity of flour and other commodities to New Orleans, ["which they ~~to~~ter every year, and get the return in goods up the Mississippi," erased]. The houses are framed and very good, with a small but elegant stone fort¹ situated [but a little distance from] the centre of the town. The Mississippi is undermining a part of Fort Chartress; the garrison was removed to this place, which greatly added to its wealth; but on the commencement of the present war, the troops [were] called off to reinforce Detroit, which is about three hundred miles from it — leaving the fort and all its stores in care of one *Roseblack*² as comd: of the place, with instructions to influence as many Indians as possible to invade the Colonies; and to supply Detroit with provisions, a considerable quantity of which goes by the way of the Waubash R., and have but a short land carriage to the waters of the [Miami].

In June last I sent two young men there: They³ [Rocheblave and the French] seemed to be under no apprehension of danger from the [Americans.] The fort, which stands a small distance below the town is built of stockading about ten feet high, with blockhouses at each corner, with several pieces of cannon mounted ["10,000 lbs" erased] powder, ball and all other necessary stores without [any] guard or a single soldier.⁴ Roseblack, who acted as Governor, by large presents engaged the Waubash Indians to invade the frontiers of Kentucky, was daily treating with other Nations, giving large presents and offering them great rewards for scalps. The principal inhabitants are entirely against the American cause, and look on us as notorious rebels that ought to be subdued at any rate, but I don't doubt but after being acquainted with the cause they would become good friends to it. The remote situation of this town on the back of several of the Western Nations; their being well

¹ The location of this fort has been in controversy. See Winsor, *Narrative and Critical History of America*, VI. 719, n. 1.

² Philippe de Rocheblave. His account of the situation in Kaskaskia, and information on his career may be obtained from the following documents: Mason, *Philippe de Rocheblave*, Fergus Historical Series, No. 34; *Chicago Historical Society Collections*, IV.; *Michigan Pioneer Collections*, IX. 350; *Report on Canadian Archives*, 1883, pp. 75, 76, 82; 1886, 461, 552, 672. Note also the references to Philippe de Rocheblave in *Wisconsin Historical Collections*, III. 213, 215; VII. 132.

³ See English, I. 467, 580.

⁴ De Peyster, at Michilimacinae, June 27, 1779, writes: "The Kaskaskias no way fortified; the fort being still a sorry pinchetted enclosure round the Jesuits' college," Winsor, *America*, VI. 720. Carleton wrote under date of Sept. 15, 1777 (*Mich. Pioneer Colls.*, IX. 350), that the troops were withdrawn from the Illinois to avoid unnecessary expense and that Rocheblave's salary was granted to him, "to have an eye to the King's Interests in these Parts, and to advise Government of whatever might be carrying on against them, this is all the service required of him." Haldimand informed Sir H. Clinton, Nov. 10, 1778, that he had desired to have seven companies of the Fourteenth Regiment sent to the Illinois, but it was determined to retire these companies (Draper MSS., 58J2).

supplied with goods on the Mississippi, enables them ["to carry" erased] to furnish the different Nations ["with goods" erased], and by presents will keep up a strict friendship with the Indians; and undoubtedly will keep all the Nations that lay under their influence at war with us during the present contest, without they are induced to submission; ["that being situated above the mouth of the Ohio," erased] they will be able to interrupt any communication that we should want to hold up and down the Mississippi, without a strong guard; having plenty of swivels they might, and I don't doubt but would keep armed boats for the purpose of taking our property. On the contrary, if it was in our possession it would distress the garrison at Detroit for provisions, it would fling the command of the two great rivers into our hands, which would enable us to get supplies of goods from the Spaniards, and to carry on a trade with the Indians [a line obliterated] them might perhaps with such small presents keep them our friends.¹

I have always thought the town of Kuskuskies to be a place worthy of our attention, and have been at some pains to make myself acquainted with its force, situation and strength. I can't suppose that they could at any [day — time — rate — hour?] raise more than six [or seven] hundred armed men, the chief of them [are French — the British at Detroit being at so great a] distance, so that they more than

An expedition against [Kaskaskia would be advantageous] seeing one would be attended with so little expense — The men might be easily raised with little inconvenience. Boats and canoes with about forty days provisions would [answer] them: they might in a few days run down the river with certainty [to the] Waubash, when they would only have about five to march to the town, with very little danger of being discovered until almost within sight, where they might go in the night; if they got wind [of us they might] make no resistance; if [they did,] and were able to beat us in the field, they could by no means defend themselves — for if they flew to the fort, they would lose possession of the town, where their provisions lay, and would sooner surrender than to try to beat us out of it with the cannon from the fort, as [they] would be sensible that should [we fire] it before we left it, which would reduce them to the certainty of leaving the country or starving with their families, as they could get nothing to eat.

Was I to undertake an expedition of this sort, and had authority from Government to raise my own men, and fit myself out without [much delay], I should make no doubt of being in [full possession of the country] by April next.

I am sensible that the case stands thus — that [we must] either take the town of Kuskuskies, or in less than a twelve month send an army

¹ Gautier's Journal covering the winter and spring of 1777-1778 (*Wisconsin Historical Collections*, XI. 100) shows that considerable numbers of Indians of Wisconsin and Northern Illinois were already disaffected to the British by the messages of the "Bostonians," or Americans. Compare Winsor, *Westward Movement*, 113, for evidence of Kickapoo disaffection. Clark's negotiations with the Indians of this section were doubtless facilitated by these facts.

against the Indians on Wabash, which will cost ten times as much, and not be of half the service.

II. PATRICK HENRY TO GEORGE ROGERS CLARK.¹

W^m.BURGH Jan 15th 1778

Sir

Col^o David Rogers² is to go to New Orleans on the Business of Trade I mentioned to you, and I have opened the secret Nature of your Expedition to him as it was necessary for his Safety. I wish I had known of his being acquainted with all the places you are going to. He is intimately acquainted in all that country having been often times through every place there and can give you valuable Intelligence and Advice. I wish you to avail yourself of his Counsel and proceed as you find the Interest of your Country directs when you get to the place you are going to. What I have in view is, that your Operations should not be confin'd to the Fort and the Settlement at the place mention'd in your Secret Instructions, but that you proceed to the Enemys Settlements above or across, as you may find it proper.³

Col^o Rogers will be in Danger as he comes up the River Homewards unless he can fall in with your party and return with them. If you should return before he does, leave a Company of 50 men under a good Officer somewhere down Ohio or wherever the Col^o shall direct to escort him Home with his Cargo. This is a Matter of Consequence and I hope will not fail, as the Danger otherwise about the lower parts of Ohio will be great.⁴ I am

Sir

Y^r mo. hble Servant

P. HENRY

[*Superscription* :] Col^o George Rogers Clark far^d by Col^o Rogers.

¹ Draper MSS., 48J17.

² Governor Henry wrote, January 14, 1778, to the Governor at New Orleans to the effect that his messenger, Colonel David Rogers, would receive commands with reference to common action on the Mississippi. Governor Henry suggests as desirable the annexing of West Florida to the American Confederacy, and informs the Spanish governor that he has thought it necessary to build a fort near the mouth of the Ohio, but "that shall depend on what your excellency shall please to write me on the subject." He further asks a loan of 150,000 pistoles to Virginia. Colonel Rogers was to receive the goods said to be lodged at New Orleans for Virginia. Rogers's letter to Henry, October 4, 1778, describes his reception. This and Galvez's reply to Henry are in Draper MSS., 58J, 84-91, 103, 108, being copies from the Carleton papers. Colonel Rogers was killed by the Indians while returning with the goods, a little above Licking Creek on the Ohio (English, I. 554; Roosevelt, II. 136), and his papers fell into the British hands.

³ This probably refers to Vincennes and possibly to Detroit. Compare English, I. 412.

⁴ George Rogers Clark, February 3, 1779, wrote to Governor Henry of his projected expedition against Vincennes, and of the arrangements he had made for the galley to join Colonel Rogers on the Mississippi if his attack failed. See English, I. 262, 263.

III. PATRICK HENRY TO GEORGE ROGERS CLARK.¹W^m^sBURGH Janry 24th 1778.*Sir*

Being just now informed that you had given a Commission, with recruiting Instructions to some Person as low down as the County of Amelia, to enlist men for the Service which you are appointed to command, I am under a Necessity of expressing my Concern at your Conduct, well knowing that men inhabiting that part of the Country are by no means proper to be employ'd on the Expedition which you are to direct, indeed you must certainly remember that you inform'd me, that you expected to get men enough to compleat the seven Companies, partly at Kentuck and partly within the Carolina line, and that if you shou'd fail in your Expectation, any Deficiency cou'd easily be made up in the frontier Counties in the neighborhood of Fort Pitt the South Branch and the Frontiers: I must therefore desire You to pursue your first Intentions, for by enlisting any Men in the lower Counties You will not only procure improper Persons, but you may also throw those Counties into great Confusion respecting the Act of Assembly passed this Session for recruiting the Continental Army. The men you enlist will not be exempted from this Draught. I am

Sir

Y^r hble Serv^t

P. HENRY

Col^o G. R. Clark.

[*Superscription* :] To George Rogers Clark Esq. supposed to be at Fort Pitt.

IV. MAJOR W. B. SMITH TO GEORGE ROGERS CLARK.²HOLSTON RIVER 7th March 1778*Dear Col^o*

It has never bin in my power to informe you of my proceedings Since I left Williamsburge till now this day I fitted of A Company of forty four men to kintuckey under the Command of Cap^t Thomas Dillard all of which are well fix^d young harty fellows—three Companies moore² I Expect to be ready to March from this the Twentieth of this Instant provisions in this Quarter is Very Scarce and I Expect to sink more [than] three hundred pound in fitting them off Corne from Seven an^d Sixpenc. to too doller p^r bushel and bacon Seven pound ten a hundred—and Scarce to be had—you may Depend on my being as industrious as in my power lies—a few days ago there Came an Express from kentuckey here and informed me of Capt. Daniel Boone with Twenty

¹ Draper MSS., 48J18.

² Draper MSS., 48J19. Clark writes in his Memoirs (English, I. 469): "I advanced to Major William B. Smith £ 150, to recruit men on Holston, and to meet me in Kentucky (He never joined me)." For Clark's statements of his disappointment in failing to receive these four companies, and for the desertion of part of Dillard's company after the announcement of the destination of the expedition see English, I. 414, 469, 471. Clark received this letter March 29.

eight men being taken prisonners from the Salt licks on licking Creek, with out Shedding one drop of blood. This is all the news I have to Informe you of part of which I am sorry for — The barure of this to you is a Soldier in Dillards Company — I hope Sir you will provide him a Gun as he is with out —

I have nothing moore to informe You of at this Time in hopes you will Excuse me for not Complying with your orders sooner as it was not in my power before — I am Dear Sir —

Yours for Ever god bless

You

To Col^o Goorg R Clark

W^m BAILEY SMITH

V. MAJOR W. B. SMITH TO GEORGE ROGERS CLARK.¹

HOLSTON RIVER 29th March 1778

Dear Col^o:

I wrote you from this quarter to Fort pitt — informing you I should be out at kentuckey by the 20. day of April but sir I am under the Necessaty of informing you it is out of my power to meet you according to the Time I appointed You must no Sir I have failed in gethering my troops According to Expectation I had all the Suckcess in the world before the draught² Came on — and the Arival of Squire Boone in this quarter which informed the Inhabitant[s] of Daniel Boone with 27 Men being taken prisonners from the Salt Springs on licking creek these infurnal reports has turned back. too Companies of Men — that was on ther March th[r]ough the Mountains and I must of cours wate here till I Recrute others — the county Lieut^t in this quarter gives me but small incouridgment — tho I dont in the least despair but I Shall make my Companies Compleet — after wating hire. Some time I, have officers now in the differant sets. that are yousing — there utmost indeavour in that business and you may Rely on my doing every thing for you in my power in this business — I have but one Company yet march⁴ which are Stationd at Boonsborough: Commanded by Col^o John Donalson from pittsylvania and Col Dillard as first Lieutenant — thirty Moore are now on there march — and the rest I am deturmd to have gethered before I leave this if possable — I have nothing Moore to say on this Scoore. etc — but if you have not retired to Dranings Lick³ I would give it as my opinion you had better make the place of Rondavous at the big bone lick where I am informd there will be a garrison arected — as soon as Col^o Bowman Can get out — which will be as Convenient to me as if we meet at Dranings Lick — be it as it will Sir, I hope you will send letters to Boonsborough as soone as you arive as I may know where to

¹ Draper MSS., 48J20.

² Compare Henry's letter to Clark, No. II., *ante*.

³ Drinnon's Lick, near the Kentucky River. See also English, I. 558. Bowman mentions that the expedition landed salt kettles at the mouth of the Kentucky en route to the Falls.

march to on my arival in that quarter — Col^o Bowman I Expect will send and Express to as Soone as he gits out — I am Dear Col^o

Yours for Ever god bless you —

W^m BAILEY SMITH

VI. JOHN CAMPBELL TO GEORGE ROGERS CLARK.¹

PITTSBURGH June 8th 1778

Gentlemen

As the Opportunitys from the Seat of War and Congress into your Country is so very seldom and the late Accounts from Europe are so interesting I can not refrain from communicating them to you tho I am necessiated to be concise the bounds of a letter not admitting of any thing more

The 26th of May last we Celebrated the Joyfull News here with the Discharge of Thirteen Pieces of Canon and a Tripple discharge of Musquetry

On or about Christmas Eve last Two Treatys were concluded between the Plenepotentiarys of the United States of America and The French King whereby the French King cedes all North America and the Bermudas Islands to the United States of America and declares their Independence will Trade with them and protect their Trade The Americans are under no Restrictions whatever except they shall not return to their Dependance On Great Brittain these matters are made known to the British Court by the French Ambassadors the Consequence is that Brittain has recalled ther Ambassador from France and Ordered theirs Home. Therefore we daylay expect to hear of War being Declared between the two powers and consequently We must assist France. Lord North has moved for Conciliatory Methods with America and two Acts of Parliment are passed one Suspending several Acts of Parliment or rather explaining the right of Taxation in America and the Other Appointing Commissioners to Treat with the Americans both of Which according to the Way they are now understood by Us will be rejected with the Contempt they deserve.

General How is said to be on the Wing from Philadelphia and I hope to have the pleasure of informing you soon that there is not a British Soldier except Prisoners on any part of the Continent of America. M^r Wells is just waiting he can inform you of some of the particulars of these Glad Tidings to whom I must refer you and am

Your Hum^l Servt.

JOHN CAMPBELL.

[*Superscription :*] Col. George Rogers Clark In His Absence to the Inhabitants of Kentuckey.

¹ Draper MSS., 48J22. This is doubtless the letter mentioned by Clark in his Memoir (English, I. 474) where he speaks of his hope of attaching the Illinois French to the American interest, and adds, "fortunately I had just received a letter from Colonel Campbell, dated Pittsburg, informing me of the contents of the treaties between France and America."

VII. CESIRRE TO GEORGE ROGERS CLARK.¹*Monsieur*

Les travaux De naux Res Colte Mond enpaichez Davoir honneur De vous aller faire Maresverance Et Moblige de vous Envoiyez Par un autre Macommission chause que Jaures Este flatte Defaire Mois Maime Jes Paire au Plus taux quil Me Sera Possible Deme rendre a Mondevoir Je Crois que vous vous deres Bien Mes Cusere un Peux Etgand Esposez Mes Raison au Cappitaine qui Est venud ice Jenes Rien Denouveaux avous Marque que de Me Croire avec tous Le Res Pec Possible

au Kashaux le

Monsieur

Votres humbles

10 Juliette

Obeisand Serviteur

1778—

CESIRRE

[*Superscription :*] Monsieur Monsieur Colonel Gorge Rogers Clark
Commandand enChéf Des Illinois pour les Etat unis De la Merique
au Kaskaskias

[Translation.]

Sir

The labor Of our Harvest hinders Me from having the honor Of going to express to you My reverence and obliges Me to [have] Sent from you By another person My commission a Thing which I had hoped To do My Self. I Hope at Least that it Will be Possible for Me To perform My duty, I Believe that you will Certainly excuse Me in a Small measure when My reasons are Explained to the Cappitaine who came from here I have Nothing New to inform you of only Believe Me with all Possible Respect

Sir

Your humble Obedient Servant

At the Kashaux

CESIRRE

the 10 July 1778

[*Superscription :*] Colonel George Rogers Clark Commander in Chief of
The Illinois for the united States of America at the Kaskaskias.

VIII. CERRÉ TO GEORGE ROGERS CLARK.²*Monsieur*

Jai été extremement mortifié de ne mètre pas trouvé en mon domicile lors de votre arrivée aux Caskakias

Jaurias eu L'honneur de vous donner des preuves de mon Entiere Soumission a mes Superieurs mais mon Etat etant dêtre marchand et par

¹ Draper MSS., 48J23. The signature is a trifle difficult. There was a Joseph Cesire at Cahokia (Kashaux is Cohoes, or Cahokia). See *Illinois Historical Society Pubs.*, IV. 205. See the document X., *post*, where he is called captain. The document is chiefly remarkable for its French.

² Draper MSS., 48J24. Cerré was a principal merchant of Kaskaskia. Clark describes his dealings with him in his Memoir (English, I. 477, 478, 481, 484-7). Compare *Mich. Pioneer Colls.*, X. 294; IX. 484. Rocheblase desired that relief to his family after his capture should be transmitted by orders on Cerré (*Chi. Hist. So. Pubs.*, IV. 418). Paschal L. Cerré (born 1773) tells (Draper MSS., 8J51) that Clark peeped through the windows of the Cerré residence on the night of the capture of Kaskaskia, to the indignation of Mme. Cerré.

consequent obligé de voyager dans les differens postes de ces pays pour faire Subsister ma famille, ma mauvaise Etoile ou pour mieux dire lhabitude annuelle ou je Suis de commencer mes voyages dans ce temps ont causé mon malheur et Suivant le bruit public mes Ennemis Jaloux des peines que je me donne pour me procurer une heureuse mediocrité ont profité de mon absence pour me noircir et me metre mal dans lesprit des personnes dont je nai pas L'honneur d'être connu bien persuadé que ma conduite passée et celle avenir vous etant connue une fois vous me rendrez la justice qui est due a tout bon Sujet Soumis Je Crains que dans le premier instant les faux raports de mes Ennemis ne portent quel qua teinte a ma fortune Seul objet de leur haine, dailleurs ayant entre les mains les affaires de defunt M^r Viviat colloquées avec plusieurs personnes des Caskakias et qui demandent ma presence. Jose vous Suplier Monsieur devouloir bien maccorder un Sauve conduit pour me transporter en mon domicile afin quen vertu dicelui je puisse me laver des accusations que lon vous afait contremoy et vâquer aux affaires qui mappellent au dit lieu Cest lagrace quespere de vous le Sujet le plus Soumisqui a Lhonneur d'être avec le plus profond respect

Monsieur

Votre tres humble et tres

obeissant Serviteur

CERRÉ

A S^t Genevievele 11.^e Juillet 1778Monsieur G^e Clark

[*On backing :*] Letters Inclosed in one Cover To Col^o Clark July 11th 1778.

[Translation.]

Monsieur

I was extremely chagrined that I was not at home at the time of your arrival at Kaskaskia. I would have had the honor of giving you proofs of my entire submission to my superiors But my profession being that of a merchant, and consequently obliged to travel to the different posts of this country to make a living for my family, My unlucky star, or to speak more correctly, the annual habit I am in of commencing my journeys at that time caused my misfortune.

According to public rumour my enemies jealous of the efforts I make to obtain a comfortable mediocrity, have profited by my absence, in order to blacken me and destroy me in the opinion of persons to whom I have not the honor of being known; well persuaded that my past conduct and that to come being once known to you, you will render me the justice that is due to every good and submissive subject.

I fear that in the first moment the false reports of my enemies may cause injury to my fortune, the only object of their hatred, besides having in my hands the affairs of the deceased Mr. Viviat to arrange with several persons of Kaskaskia and who require my presence.

I venture to solicit you Monsieur to have the goodness to grant me a passport to go home in order that I may be able to clear myself of the accusations that have been made to you against me, and attend to the

affairs that call me there. It is the favour that the most submissive subject hopes from you, and who has the honor of being with the most profound respect Monsieur your very humble and

very obedient Servant

CERRÉ.

St. Genevieve

11 July 1778

Monsieur G^e Clark.

IX. CESIRRE TO GEORGE ROGERS CLARK.¹

Monsieur

Jes Resud Lonneure de lavotre Et vous Suit infinemez obligé de la Bonte que vous nous Marquez et Jes Pairre que vous nesoré Jamais Dans le Cas devous Repantire Devos nouveaux Sugés Soiyéz Persuadé que Jemettere tous Cequiserá amonpouvoir Pour tenir Luniondans Lestas Jevous Pris Sy vous me faitte Lonneure de Mes Crirre Daurenay Demes Crirre Enfrancois vud que Jenes persone qui Soid Capable de Minterprete Jenes poid Denouvelle avous Marqueure qui Meritte votre attantion M^r lhomme Porteur Delapresante vous dira Cequi Sepase Jevous pris deme Croire avec tous Leres pec possible

Votres humb^l

Obeisand Serviteur

au Kashaux

Ce 23, Juliette

1778—

CESIRRE

[*Superscription* :] Monsieur — Monsieur George Rogers Clark Commandant Enchef Des Illinois pour Les Etat unit De la Merique Au Kaskaskias.

[Translation.]

Sir

I Received the letter you did me The honor to write And am infinitely obliged for the Favor that you Accord us and I hope that you will Never be In a Situation to Repent concerning your new Subjects Be Persuaded that I shall do all that is in my power To maintain union in The state I Beg you If you do me The honor of writing Me in the future To write to me in french since I have no one who Is capable of interpreting for Me I have nothing New to Inform you of that is Worthy of your attention The man who Carries This to you will tell you what is occurring I beg you to Believe me with all possible respect

Your humble Obedient Servant

CESIRRE

At the Kashaux July the 23 1778

[*Superscription* :] Mr. George Rogers Clark, Commander In chief of the Illinois for The united States Of America At the Kaskaskias.

¹ Draper MSS., 48J25.

X. GEORGE ROGERS CLARK TO MESSRS. [?]¹KASKASKIAS 24^{me} Juilliet 1778*Messieurs*

Je recu ce matin vos Lettres des plaintes de chaque'un et je suis fachez de trouvez qu'il y'a des difficultie occassionez par de vue d'interets dans La commerce, par des individu parmi Les Savages si nuisible au Paix et tranq[ui]llité de notre paiey J'espere Messieurs que vu prendrai en consideration, que ce le devoir de chaq'un de nous de supprimer Les insults des savages des une aux autres qu'enfin le desir de gagné n'occasion pas une Division parmi nous. Commes des gens Libre nous-avons Droit de faire une commerce Legitime sans etre Sujets aux insults d'un fier citoyen, Mais ni pas sur Les possessions on bien d'autres. [sans leur] consentment, J'ai appris que Le voiture de Mons [MS. torn] etait sur Le Mississippi apré traitté, Si [MS. torn] comme une faut enver Monsieur M^cCarty² il est oblige [de] repondre pour sa conduite. Monsieur M^cCarty rendrai Les Butins de Monsieur Gagné, Mais pour L'arranger L'affaire ou Les dispute a L'amiable, Capt Cecire nommerai une persone pour agir avec Lui — au nomme de La republique et chaq'un des disputants, prendront deux personnes pour terminer Leures disputes par arbitration — une coppie de Leur decissions me serai envoye pour etre approuver et si je L'approuve sa sera final Je suis

Mess^{rs}

Je Certifie La traduction cy dessus Votres humble Serviteur
 Juste et veritable selon L'intention
 de celle ecrite en Anglais par M^r G : Signé
 R: Clark Comm^l des illinois etca G. R. CLARK
 etca etca —

Hansen

[Translation.]

KASKASKIAS, July 24, 1778.

Messrs.—

I received this morning your Letters complaining of one another and I am sorry to find that there are difficulties occasioned by the consideration of commercial interests, by different persons among the Savages so hurtful to the Peace and tranquility of our country. I hope, sirs, that you will take it into consideration, that it is the duty of each one of us to suppress The insults of the savages toward any one [of us] and also that the desire for profit will not occasion a Division among us. As Free people we have Right to carry on a legitimate traffic without being subject to the insults of a proud citizen, But but none over The possessions or goods of others [without their] consent. I have learned that The Conveyance of Mons[ieur] [MS. torn] was on The Mississippi

¹ Draper MSS., 48J26.² This is probably the trader Richard McCarty, whose letter to DePeyster gave information of the capture of Kaskaskia (*Mich. Pioneer Colls.*, IX. 368). He afterwards accepted a captain's commission under the Americans. There are numerous letters from him in the Draper MSS. and in the *Calendar of Virginia State Papers, e. g.*, I. 379. Cf. English, I. 278.

after being treated. If [MS. torn] as a trespass against Monsieur McCarty he is obliged to answer for his conduct. Monsieur McCarty will return The Booty of Monsieur Gagné, But in order to arrange the affair or The dispute amicably Cap^t. Cesire will name one person to act with Him in the name of The republic and each of the disputants, will take two persons to terminate Their disputes by arbitration—a copy of Their decisions will be sent me for approval and if I approve It that will be final

I am, Sirs,

Your humble Servant

(Signed) G. R. CLARK

I Certify The translation of the above [to be] Just and correct according to The intention of that written in English by Mr. G : R : Clark Comm^t of the illinois etc. etc. etc.

Hansen

XI. PERRAULT TO GEORGE ROGERS CLARK.¹

Monsieur,

Jeprends la liberté devons écrire au sujet d'un billet que J'ai consenti à l'ordre de M^r De Rocheblave le 16. X.^{bre} dernier dela somme de huit cent seize livres dix sols en pelleterie à compte duquel mon cher pere a payé sur un mandat que Cd^t S^r a tiré en faveur de M^r Pratte le 13. may 1778. la somme de sept cents livres en pelleterie comme vous pourez le voir par les pieces que Jai remis au S^r Thomas Brady

En outre il y a encore adeduire la quantité de soixante cinq livres en pelleterie convenue avec M^r de Rocheblave pour le ossailler² qui se sont trouveés dans le lard que je lui ai acheté.

J'ose esperer, Monsieur, de votre equité que vous voudrez bien endosser ces objets sur Cd^t billet et charger quelqu'un de vos ordres pour recevoir le montant de cinquante et une livre dix sols qui restent duex.

J'ai l'honneur d'être avec respect,

Monsieur, Votre tres humble

et tres ob^t Serviteur

A S^t Louis le 23. Juillet 1778.

H. PERRAULT

À M^r le Colonel Clark Commandant aux Cas.

[*Superscription :*] Monsieur Monsieur le Colonel Clark Commandant aux Caskaskias

[Translation.]

Sir

I take the liberty of writing you on the Subject of a note that I gave to the order of Mr. De Rocheblave December 16 last for the sum of eight hundred Sixteen livres ten Sols in peltry on which my dear father has paid At the demand of the said Gentleman, drawn in favor of Mr. Pratte May 13 1778 the Sum of Seven hundred livres in peltry as you may see by the receipts that I remit to Mr. Thomas Brady.

¹ Draper MSS., 48J27. This is interesting in its information as to the kind of subjects presented to Clark.

² For *osselet* ?

Besides there is still a deduction amounting to Sixty five livres in peltry agreed upon with Mr. de Rocheblave for the bones that were found in the pork that I bought of him.

I dare hope, Sir, that by reason of your equity you will certainly endorse these sums on the aforesaid note, and give some one your orders to receive the remaining fifty one livres ten Sols I have the honor of being with respect, sir, Your very humble and very obedient Servant

H. PERRAULT

At St. Louis the 23 July 1778

To Colonel Clark commanding at the Cas. [caskias]

[*Superscription* :] Colonel Clark Commander at the Caskaskias.

XII. WINSTON TO OFFICERS.¹

Sir

I am to acquaint you that there is Something Incomprehensible a Carrying on in Town this night tis Suspected that Cerré² is this Night in Town [MS. illegible] of M^r. Lé Chance this I give you from mere hearsay and the Maneouvres I See Slightly Carried on by the People in the Dark

I am Sir Yours and the States
Truely Faithfull friend and
Hum^{le} Serv^t.

RICH^d. WINSTON.³

[*Superscription* :] To The Office of the Guard Fort Clark

XIII. MEMORANDUM BY GEORGE ROGERS CLARK.⁴

On our first taking possession of the Illinois in 1778 having no public money to advance, to the Commissaries Quartermasters etca I generally examined their Accounts and gave Bills of Exchange on Government for the amount this was the practice for some time but engrossing too much of my attention on business of greater moment to the public I complained of it and Cap^t. Shannon was appointed by Order of the Governor Conductor General etca I then had no further business with accounts in that department (nor knew very little about them) Purchases, Issues etca etca was then immediately under his direction for the payment of which he drew Bills on me and I countersigned [countersigned] them but never looked at his Accounts. I know that he was obliged sometimes to barter a good deal to procure necessities as he had Orders to make use of every means to collect what Stores he could as we had by the expectation of the assistance of the Kentucky Militia a designe of taking possession of Detroit what Posts I was at when I signed the Bills in contemplation I do not remember as I was too deeply engaged in my mili-

¹ Draper MSS., 48J28.

² See the letter from Cerré *ante*.

³ Richard Winston was afterwards Todd's lieutenant.

⁴ Draper MSS., 48J29. This illustrates the kind of difficulties which led to the contest between Clark and Virginia over his unsettled claims.

tary arrangements to think much of things that had at that time so little weight in the Scale of affairs: but a considerable time after I had made my final Settlement with Government 1783 M^r Gratiott¹ as attorney in fact for Cap^t Langtott² presented those Bills to me in richmond for payment I argued that it was Cap^t Shannon's business to arrange them, nothing would do but the payment a Suit was ordered and brought forward by M^r Tazwell not doubting but I should hereafter be refunded I paid off the Bills on my return to Kentucky Cap^t Shannon informed me that he should shortly make his final Settlement with Government when things would be arranged and that I was in no danger of suffering this was the case from time to time till he was sent Delegate and actually did settle and on his return did inform me that on my application to the assembly I would get paid for the large Bill the other he would settle for in lands if agreeable which [was agreed to] and wrote a letter explaining the nature of the large Bill which I sent with a Petition to my brother of Spotsylvania to present to the assembly which he twice did to no purpose Col^o Thruston brought the enclosed to me which I got from him last spring which shows that Cap^t Shannon Settled for those Bills with the State of Virginia, those and similar circumstances hath prolonged this business to the present pereod—The whole of the Staff was then under his derrection however complicated this may appear I have paid this money and for which I have rec^d no satisfaction—Dec 3^d 1794.

G. R. CLARK

XIV. JOS. BOWMAN TO GEORGE ROGERS CLARK.³

KAHOKAI^o October 30th 1778.

Dear Col^o

Inclosed you^l Receive two Letters from Denow which I made free to open In order to compair them and another from the said person to a Certain Gentleman together, which treated upon one subject, but at a great Advearance [sic] In your letters I find you are still Incouraged about Receiving your Horses whearin it mentions of their only waiting upon one Nation of Indianis, whome they had sent for other ways they wood have Returnd by this time with the Horses — in the other Gentlemans Letter they say that they have yet five Horses — besides the six they have sent, and Desire^s that he will purchase six or seven Hogheads of Taffee more with the Greatist saifty; as the Expençe they have already against State amounts to fifteen Hundred Livers.

I have sent you by Cap^{tn} Winston a half moon of Silver which I got out of the Continantle store, which seam^d to have been Provided for officers. I have taken one for myself and some more yet Remaining. if they are wanting they Can be had at any time I likewise got five for

¹ Charles Gratiot. See *Wis. Hist. Colls.*, X. 239.

² Linctot. See *Wis. Hist. Colls.*, XI. 113.

³ Draper MSS., 48J43. For the career of Major Joseph Bowman, brother of Colonel John Bowman, see English, I. 108 *et passim*. He was descended from George Bowman and a daughter of Joist Hite, the German pioneer of the Shenandoah Valley.

Indians but made Lite and not so compleat ; their has been some Indians of the sack ¹ Nation here, which I despatched A few days ago with them caime one cheif and another of the Iwayo ² Nation which had never been in, their compliance has not satisfied me with a Regard to peace, as they confess³ to me that their principal cheifs whear gone to Montreall to fight against the big Knife. I sent them off and gave A Kag of Rum and told them to go and hold a counsel with their Nation and give them choice which side to join with — Drinking their Health with the Rum.

My Compliments to the Gentⁿ Officers, Includeing M^r Camron

I am D^r S^r your most Obd^t friend and Hle Sar^t

Jo^s BOWMAN.

[*Superscription* :] G. R. Clark Col^o and Commander in Cheif of the Islinois Country Kuskuskia pr Cap^{tn} Winston

XV. JOHN BOWMAN TO [GEORGE ROGERS CLARK].³

HARRODSBURGH October 14th 1778.

Dear Sir

This day I Received yours by W^m Miers, and with deficulty I shall furnish him with a Horse to Ride to the Settlement on.

The Indians have Pushed us hard this Summer, I Shall onley Begin at the 7th of Sep^r when three Hundred and thirty Indians with 8 French Men Came to Boonesburg Raised a flag and Called for Cap^t Boone who had Lately Came from them, and offred Terms of Peace to the Boonesburgh People. Hearing that the Indians Gladly Treated with you at the Illinois, gave them Reason to think that the Indians were Sincear ; ⁴ two days being taken up in this Manner till they Became Quite fimeleyer with one another ; but finding the Boonesburgh People would not turn out, and having Col^o Calloway Maj^r Smith, Cap^t Boone Cap^t Buchanan, and their Subalterns Eight in Number, in the Lick, where they had their Table, (you Know the distance about 80 yards) the Indians Getting up, Blackfish made a long Speech, then gave the word go, Instantly a Signal Gun fired, the Indians fastened on the Eight men to take them off, the white People began to Dispute the Matter, tho unarm^d and Broke Loose from the Indians though there were two and three Indians to one White Man. In Runing the above Distance upwards of 200 Guns fired from Each Side and yet Every man Escaped But Squire Boone, who was Badly wounded though not Mortally he got Safe to the fort. On this a hot Ingagement Insued for Nine days and Nights constant fire with out any Intermission. No More damage was Done how-ever But one Killed and two wounded. The Indians then Dispersed to

¹ Sauk.

² Ioway?

³ Draper MSS., 48J42.

⁴ This is an interesting contribution to the explanation of this episode in the siege of Boonesburgh. See Thwaites, *Daniel Boone*, 161, 166, and Ranck, *Boonesborough*, Filson Club Publications, No. 16. On Colonel John Bowman, see English, index, *passim*.

the Defrent forts where they Still Remain in greate numbers and way laying our Hunters—General McIntosh who commands the Armeey Intended against Detroyt, I understand Receved Instructions to Strike the Indians and not meddle with Detroite, For other Northern News I Refer you to the Gazettes I hearewith Send you. The Indians have Done More Damige in the Interior Settlements this Summer than Ever was Done in one Season before. Absolute Neadesysity obliges me to send Cap^t Harrod for salt, that we May be Able to Lay up a Sufficient Quantity of Provision for the next Summer. I hope you will Send us one hundred Bushels for that Purpose, Send me an Accom^p of the Same and I will Send you the Money by Cap^t Muntgomery in the Spring, Your Compliyance in this Matter will Inable us to Keepe our ground; if not—we Shall be oblige^d to brake up for the want of Provision, for Neadesysity will Brake through stone walls—I was obliged to promis 6/P.^t day to Every man that Returns with Cap^t harrod that I sent. I Beg this as a favour to let Every Man of them have the value of forty Dolers in goods as May best Sute them and I will Pay it with the above.

I am Dear Sir your Hum^l Serv^t

N. B. Pray forward the —

JN^o BOWMAN

News Papers to my Brother

after your Looking over them.

J. B.

We have ben Reinforce^d from Washington County with Eighty Men but thir time is near out Before the[y] Come this Lenth so the[y] Return Imediately agane.

2. *A Letter from De Vergennes to LaFayette, 1780.*

THE following letter is among the unarranged and uncalendared records of the High Court of Admiralty at the Public Record Office in London. With the exception of the first and the last two paragraphs, the whole of the letter is in a numerical cipher, to which, apparently, no key exists. It is, however, the same cipher as that used in the three facsimile letters from LaFayette to De Vergennes which have been published by the late Mr. Stevens. From those three letters a tolerably complete key may be constructed; and the few words which it leaves conjectural may be verified by the draft of the letter, which is at Paris, and appears to have escaped Mr. Stevens's notice. (See Paris, *Affaires Étrangères*, *Correspondance Politique*, *États-Unis*, Tome 13, f. 247.) No part of the draft is in cipher, and there are a few trifling differences between it and the cipher letter. "Le capitaine John" of the cipher is in the draft "le capitaine Jones," *i. e.*, Paul Jones. The cipher letter is signed by De Vergennes, and its envelope is addressed to "Monsieur le Marquis de la Fayette, Général Major au service des États Unis de l'Amérique Septentrionale. A l'armée de Wasington" [*sic*].

The letter was on board an American trader, which sailed from Bordeaux soon after February 17, 1781, and was captured by the *Terror*, an English privateer, on March 1, following, in latitude 30° N., longitude 20° W.

R. G. MARSDEN.

Triplicata.

A VERSAILLES le 7 Août, 1780.

J'ai reçu, Monsieur le Marquis, la lettre que vous m'avez fait l'honneur de m'écrire de Watertown le 2 May. Celles que vous m'avez adressées de Boston ne me sont pas parvenues, le capitaine qui en étoit porteur ayant été chassé par un corsaire françois qu'il jugeoit anglois, a pris le parti de jeter ses paquets à la mer. Ce n'est donc que par son rapport verbal que nous avons appris votre arrivée à Boston et la sensation que vous y avez faite. Elle sera toujours la même partout où on vous connoitra.

Je ne vous fatiguerai pas, Monsieur, de détails politiques et de spéculations de guerre; c'est de vous que nous attendons des lumières, et j'espère que nous ne tarderons pas à apprendre l'impression qu'auront faite sur le Congrès et sur le général Wasington¹ les avis dont vous étiez porteur et les secours qui ont été conduits par Monsieur le chevalier de Ternay. Je souhaite qu'ils soient arrivés à tems pour faire changer la face des affaires dans vos contrées. La prise de Charles Town, qu'on nous avoit accoutumés à regarder comme une place de défence, a causé d'autant plus d'étonnement ici que le nombre des deffendeurs, s'il en faut croire aux relations angloises, étoit à peu de chose près égal à celui des assaillans. Je répugne fort à croire qu'un relâchement de principes auroit opéré cette disgrâce. Les Anglois ne négligent rien pour persuader l'Europe que l'amour de l'indépendance est fort affoibli en Amérique et que le voeu le plus général est pour une coalition avec la mère patrie et pour rentrée dans son sein. Je serai le dernier à croire à cet étrange phénomène, mais si les Américains ne mettent pas plus de vigueur dans leur conduite on sera forcé à croire qu'ils ne tiennent que foiblement à cette indépendance pour laquelle ils ont montré tant d'enthousiasme dans le principe de la révolution. Si nous jugions la fermeté de la nation en général par le peu de zèle que nous remarquons dans ses agens pour la chose publique nous en aurions une bien mince opinion. Nul concert, nul accord entre eux. Chacun n'est occupé que de ses passions ou de ses chétifs intérêts. Vous vous rappellerez, Monsieur, que sur votre demande ainsi que sur celle de M. Franklin, le Roi a accordé quinze mille fusils et cent milliers de poudre. Le tout a été consigné au Port Louis, à la disposition des Américains. La frégate² l'Alliance devoit embarquer, si non le tout, du moins la majeure partie de ces effets. Cette frégate, d'abord sous les ordres du capitaine Landais, avoit été remise, j'ignore par quel motif, au capitaine John. Le pre-

¹ Sic in original.

² The affair of the *Alliance* is a well-known episode. See Buell, *Paul Jones*, I. 294-306; Tower, *Marquis de La Fayette in the American Revolution*, II. 199.

mier qui avoit paru souscrire à cet arrangement, stimulé par des conseils brouillons dont on prétend que Monsieur Arthur Lee a été le principal auteur, a épié un moment où le capitaine John s'est absenté du bord, y est entré par surprise, s'en est déclaré le commandant, et malgré tout ce que l'on a pu faire, s'y est maintenu. Le mal ne seroit pas grand, et nous y serions très indifférens, s'il avoit embarqué les effets destinés pour l'armée américaine, mais il n'a pris en tout et pour tout que quinze milliers de poudre et pas une caisse d'armes. On prétend que lui et ses adhérens ont chargé le navire d'une manière plus utile pour eux. J'espère qu'on saura leur en faire rendre compte. Le capitaine John se trouvant à terre, le Roi lui a fait destiner l'Ariel, petite frégate, pour le transporter en Amérique. Jusqu'à présent il n'a embarqué que cent quarante caisses d'armes et très peu de poudre. J'ignore s'il en prendra davantage. Ces gens-là ont terriblement la manie du commerce. Ce reproche ne peut pas s'appliquer à M. Franklin. Je lui crois les mains et le cœur également purs ; mais il n'a pas l'autorité suffisante pour en imposer à ses compatriotes. Ils s'érigent tous en souverains, et ne veulent connoître d'autre autorité que la leur. Je ne vous fais ce détail, Monsieur, dont je communiquerai l'extrait à M. le chevalier de Luzerne, qu'afin que vous puissiez faire connoître où il conviendra en Amérique que, si l'on n'a pas reçu les armes et les munitions promises, ce n'est pas que nous en ayons décliné la remise, mais qu'il n'a pas plu aux préposés au transport de les recevoir et de les embarquer. Tout cela, je vous avoue, est fort impatientant et demanderoit bien un exemple très sévère. Des vents obstinément contraires ayant arrêté l'arrivée des bâtimens de transport pour la seconde division de troupes que nous nous proposons de faire passer en Amérique, la flotte angloise, qui est venue prendre poste dans le golphe, a forcé à renoncer à cette expédition. J'ai d'autant moins de regret qu'il paroît que le général Wasington ne désiroit qu'un renfort de trois à quatre mille hommes ; vous en avez cinq mille cinq cents. On pourra se déterminer en grande connoissance de cause sur un envoi ultérieur lorsqu'on saura de quelle manière le premier aura été vu et reçu. Il y a lieu d'espérer que la ferveur que vous avez remarquée dans le nord pour l'alliance préviendra ou écartera les sinistres impressions que les malintentionnés voudront donner de l'introduction d'une force étrangère auxiliaire dans le continent de l'Amérique.

J'ai fait passer sans délai à Madame la Marquise de la Fayette la lettre que vous m'avez adressée pour elle. Je serai exact à vous faire parvenir les paquets qu'elle voudra bien me confier. C'est un soin bien doux pour moi de pouvoir contribuer à votre consolation mutuelle.

Rien n'égale le tendre et inviolable attachement avec lequel j'ai l'honneur d'être, Monsieur le Marquis, votre très humble et très obéissant serviteur.

DE VERGENNES.

M. le Marquis de la Fayette.

3. *Portions of Charles Pinckney's Plan for a Constitution, 1787.*

THE writer of these lines has been preparing a series of "Studies in the History of the Federal Convention of 1787," intended to be submitted for publication in the next *Annual Report of the American Historical Association*. In the course of these studies he has attacked anew the problem of the Pinckney plan. Setting aside, for reasons duly stated, the document commonly called by that name, he has attempted, by critical methods which he believes to be more rigid than those hitherto pursued, and in part novel, to reconstruct the actual text of that long-lost project. For the results, it must suffice to refer to the (it is hoped) forthcoming paper. But when the investigation was nearly completed, chance brought forward an incomplete but contemporary text of the original document itself. As Pinckney's plan was not found in the journals of the Convention, nor among its papers, and as virtually nothing has been heard of its original text from July 24, 1787, when it was referred to the Committee of Detail, down to the present time, and as it has meantime been searched for with some interest, the discovery has seemed sufficiently remarkable to justify one in asking that the document now found be printed at once in the pages of this journal.

On the day named the Committee of Detail, consisting of Rutledge, Randolph, Gorham, Ellsworth, and Wilson, was appointed, and Pinckney's and Paterson's propositions were referred to it, along with the resolutions which up to this time had been reached by the Convention. These last, twenty-three in number, are to be found gathered together in the official *Journal*, ed. 1819, while the document that emerged as the result of the committee's deliberations, the Report of the Committee of Detail, has often been printed. Intermediate between these two, and marking successive stages in the committee's work, stand three documents. First, there is that paper in Randolph's handwriting of which Mr. Meigs has printed a facsimile in his *Growth of the Constitution*, and which he has conclusively proved (pp. 317-324) to occupy the position which we are here assigning to it. The other two are drafts in the handwriting of James Wilson, preserved in the manuscript collections of the Historical Society of Pennsylvania. Mr. Meigs has referred to them, or to one of them; but says no more than that "it was evidently drawn at a much later stage of the committee's labors" than the Randolph document, and that "indeed they must have been at that time pretty nearly ready to report, for it is extremely similar to the draft actually reported." This seems rather to apply to the second, or later, of the two papers actually existing among the Wilson manuscripts.

As the investigation above alluded to was drawing to its close

it seemed that it was necessary, or at any rate might be useful, to see copies of these two Wilson documents. Copies were kindly sent by Mr. Jordan, librarian of the society. The reading of the earlier and rougher draft at once revealed a striking fact. After the series of provisions for the composition of the two branches of the federal legislature, provisions not signally differing from those found in the completed report of the Committee of Detail, came a little group of propositions drawn off from the Paterson plan, and then a series of provisions ranging through the legislative, executive, and judiciary departments, and constituting obviously an interpolation. These, it was learned, occupied a separate half-sheet, inserted by the binder in the midst of the Wilson draft. Then the course of the main document was resumed in a group of paragraphs corresponding in the main to the concluding articles of the report of the Committee of Detail. One who had been much occupied with the endeavor to reconstruct the genuine Pinckney plan could see at the first glance that the interpolated document was a series of selections from that very project. For the demonstration of this fact, and for an attempt to exhibit the manner in which the Pinckney and Paterson plans were used by the Committee of Detail, it must suffice to refer as above to a more extensive future publication, the present occasion affording neither adequate space nor time. As it must be some months before the *Annual Report of the American Historical Association* makes its appearance, students of the history of the Convention may very likely be glad to have this text now, even without proper comment or discussion. By the kind permission of the Historical Society of Pennsylvania, I am enabled to present the text here.

J. FRANKLIN JAMESON.

The Legislature shall consist of two distinct Branches — a Senate and a House of Delegates, each of which shall have a Negative on the other, and shall be stiled the U. S. in Congress assembled.

Each House shall appoint its own Speaker and other Officers, and settle its own Rules of Proceeding; but neither the Senate nor H. D. shall have the Power to adjourn for more than Days, without the Consent of both.

There shall be a President, in which the Ex. Authority of the U. S. shall be vested. It shall be his Duty to inform the Legislature of the Condition of U. S. so far as may respect his Department — to recommend Matters to their Consideration — to correspond with the Executives of the several States — to attend to the Execution of the Laws of the U. S. — to transact Affairs with the Officers of Government, civil and military — to expedite all such Measures as may be resolved on by the Legislature — to inspect the Departments of foreign Affairs — War — Treasury — Admiralty — to reside where the Legislature shall sit —

to commission all Officers, and keep the Great Seal of U. S. — He shall, by Virtue of his Office, be Commander in Chief of the Land Forces of U. S. and Admiral of their Navy — He shall have Power to convene the Legislature on extraordinary Occasions — to prorogue them, provided such Prorogation shall not exceed Days in the Space of any . He may suspend Officers, civil and military.

The Legislature of U. S. shall have the exclusive Power — of raising a military Land Force — of equipping a Navy — of rating and causing public Taxes to be levied — of regulating the Trade of the several States as well with foreign Nations as with each other — of levying Duties upon Imports and Exports — of establishing Post-Offices and raising a Revenue from them — of regulating Indian Affairs — of coining Money — fixing the Standard of Weights and Measures — of determining in what Species of Money the public Treasury shall be supplied.

The foederal judicial Court shall try Officers of the U. S. for all Crimes etc in their Offices.

The Legislature of U. S. shall have the exclusive Right of instituting in each State a Court of Admiralty for hearing and determining maritime Causes.

The Power of impeaching shall be vested in the H. D. The Senators and Judges of the foederal Court, be a Court for trying Impeachments.

The Legislature of U. S. shall possess the exclusive Right of establishing the Government and Discipline of the Militia etc. and of ordering the Militia of any State to any Place within U. S.

4. A Letter of James Nicholson, 1803.

WHEN the friends of George Clinton began, as early as 1803, to work for him for the vice-presidency at the next election, his political enemies charged him with having been hostile to Jefferson and friendly to Burr in the campaign of 1800.¹ To meet this charge James Nicholson wrote out a somewhat detailed account of the manner in which Burr came to be nominated in 1800, and indicated the exact share that Clinton had had in that transaction: this account was handed over to Clinton to be used as he thought best. Early in January, 1804, there was some talk of publishing the statement of Nicholson,² but, so far as is known, this was never done. Copies of this statement, which Clinton said was substantially correct, although it ought to be improved in style for Nicholson's sake, are to be found in the George Clinton papers³ in the state library at Albany, and in the De Witt Clinton papers⁴ in the library of Colum-

¹ Robert Smith to George Clinton, Nov. 22, 1803. George Clinton MSS., XXVIII. 7233.

² Geo. Clinton to De Witt Clinton, Jan. 2, 1804. De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

³ Geo. Clinton MSS., XXVIII. 7250.

⁴ De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

bia University. The following reproduction, which is taken from the George Clinton manuscripts, may serve at the same time to throw some needed light upon the nomination of Burr in 1800 and to illustrate nomination methods before nominating machinery was in good running order.

CARL BECKER.

Some time in the Month of April 1800 I received a letter from a Friend in Congress requesting me to call upon Gov^r Clinton and Col. Burr and get their answer respecting being held up as Vice President of the United States and also acquainting me That it was understood by the republican Members of Congress then about separating and returning to their Houses that Mr. Jefferson would be held up as Presid^t and one of the other Gentlemen as Vice President. I accordingly waited on Geo. Clinton and a long conversation took place between us which was as nearly as I can recollect to the following effect on his part. He mentioned that he had already devoted a great part of his life to the Public that the recent death of his Wife and the attention due to his Children had rendered him particularly averse from embarking in public life that nothing but the peculiar and unhappy condition of our public affairs and the pressing importunity of His friends had induced him to serve in the State Legislature, that having a voice in that capacity for electors and having consented to serve in it from the most disinterested views¹ it might appear as if he had been governed by contrary views if he would accede to my request that there would be no difficulty in selecting a proper Character and that Col. Burr whose name was mentioned in my Correspondent's letter Chancellor Livingston or Mr. J. Langdon would answer as well if not better than himself. I then pressed the Governor with great earnestness on the Subject and mentioned emphatically that his refusal might affect the election of Mr. Jefferson as Presid^t. He was much affected at this and answered that he could not believe that it would be the case. That however the love of his Country was uppermost in his Heart and that if it was conceived that any serious injury would result to the republican cause from his declining he would consent so far as that his name might be used on the ticket without contradiction on his part but that it should be understood that if this step should be really deemed expedient that if elected he should be at liberty to resign without giving umbrage to our friends. Upon this I determined to draft a letter to this effect and shew it to the Gov^r previous to its transmission in order that he might be satisfied that I had correctly communicated his ideas on the Subject. I accordingly went again to His House the same day and shewed him a correspondent draft which he approved of and returned. After leaving him I called at Mr. Burr's House and finding him alone I shewed him my correspond^ts letter and my answer and requested

¹ The way in which the nomination for the assembly was forced upon Clinton is detailed by Clinton in a letter to De Witt Clinton, Dec. 13, 1803. De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

his sense on the Subject. He appeared agitated declared he would have nothing to do with the business that the Southern States had not treated him well on a similar occasion before, that he thought their promise could not be relied on and that he would not give up the certainty of being elected Gov^r to the uncertainty of being chosen V. P. He then immediately left the room and two Republican Gentleⁿ in whom I had confidence came in I mentioned to them my business and also, I think, shewed them the letter and informed them of my communications with Gov^r Clinton and Col. Burr respecting it One of them declared with a determined voice that Col. Burr should accept and that he was obliged to do so upon principles which he had urged at the late election for members of assembly that all personal Considerations should be given up for the good of the Public Upon this they left the room and shortly after returned in company with Col. Burr after which some general conversation took place upon this subject and Col. Burr with apparent reluctance consented. Being well persuaded of the disinclination of Gov^r C. to accede to the office I then altered the letter into an unqualified declension on his part and also stated Col. Burr's assent which letter so altered being approved of by Col. Burr I sent it on by the Mail Some short time afterwards I communicated this proceeding to Gov^r Clinton and so far from his having exhibited any displeasure on the occasion he appeared happy in having got rid of any further concern in the affair. And if in my alteration of the letter I had misunderstood his views and wishes he had sufficient time to have notified the error previous to the final nomination of the Candidates.

Observing in some late publications Gov^r Clinton's views and conduct with regard to the Vice Presidency entirely misrepresented I have thought it an Act of Justice to give this narrative to be made such use of as may be thought best calculated to repel the unmerited charge against him.

JAMES NICHOLSON.

Dec^r. 26th. 1803.

REVIEWS OF BOOKS

Essays, Historical and Literary. By JOHN FISKE. Vol. I., Historical; Vol. II., In Favorite Fields. (New York: The Macmillan Company. 1902. Pp. vii, 422; 316.)

Two handsome volumes bearing the name of John Fiske under an attractive title make a direct appeal to a large body of students of American history, who know the rarity of that combination of felicitous style and scholarly grasp of a subject which his best work represents. From the title it would be reasonable to expect the ripened, crystallized results of his years of training and experience as a writer. Fresh, illuminating discussions of disputed questions, or keen, insightful criticism of men and movements would have been most welcome from this broad-minded, sympathetic scholar. But whoever looks for these things in these essays will not find them; they are not there. The essays are in reality artist's sketches, some of them made with reference to future ambitious canvases, some of them in response to the pressure of popular demand for lectures. Probably not one was designed in its present form for final publication. The posthumous character of the publication may soften a little the disappointment of the reader, but the final estimate of the value of these volumes must be untempered by this consideration.

Even without the statements in the prefatory notes, it would be impossible not to discover at once that the title of these two volumes is misleading. Many of the essays are nothing more than the published manuscripts of stock lectures or occasional addresses; others are practically duplicates, for the most part, of matter already in print in other books by Dr. Fiske. Considerable portions of the essays in the first volume are found in articles contributed by him to Appleton's *Cyclopedia of American Biography*. A good illustration is the essay on "Charles Lee, Soldier of Fortune." "The Fall of New France," which comprises about one-fifth of the second volume, contains nothing not previously published in the other posthumous volume *New France and New England*, which was nearly in final shape when Dr. Fiske died.

The first volume consists of nine biographical sketches, or estimates, of leaders in American affairs between 1765 and 1850. Beginning with Thomas Hutchinson and closing with Daniel Webster, the list includes Jefferson, Hamilton, Madison, and Jackson. The value of at least the last four is not great. They bear no signs of any intimate acquaintance with other than secondary materials relating to the period after 1789. No new facts are added, no new point of view is established, no particularly strong or striking restatement of accepted judgments is effected.

The essay on "Thomas Hutchinson, Last Royal Governor of Massachusetts" is easily the best number in the volume. The essays of the second volume are less historical, less biographical, and more literary, more personal. Four of the ten essays deal with historical subjects; six treat of philosophical or literary matters. Walking and talking with heroic masters like Huxley, Tyndall, and Spencer in the domain of evolutionary philosophy, Dr. Fiske is indeed "in favorite fields." Even the alien in that realm feels the charm of his reminiscences of the great leaders, and of his broad, sane views of the progress and meaning of evolution. "Herbert Spencer's Service to Religion," "Reminiscences of Thomas Huxley," and "The Deeper Significance of the Boston Tea Party" are the best portions of this second volume. They illustrate at once Dr. Fiske's remarkable power of sympathetic appreciation of men in their times and places, his grasp on the profounder meaning of incidents, and his ability to state in lucid, interesting fashion his matured personal judgment.

"Connecticut's Influence on the Federal Constitution," the fourth essay in the second volume, certainly obtains the reader's attention under false pretenses. The exceedingly important part played by the delegates from Connecticut at a dangerous point in the proceedings of the Convention of 1787 cannot be too carefully demonstrated; the title invites expectation of a critical study from the author of *The Critical Period of American History* of some of the obscure but potent forces shaping the destiny of the nation. Were the arguments used by Ellsworth, Sherman, and Johnson to secure adoption of their compromise plan drawn from their experience with a "federal system" in Connecticut? Or were they mainly drawn from their patriotic Yankee common sense to meet a crisis? Were these arguments really very effective with the Convention, which failed by a tie vote to defeat the scheme for equal representation in the Senate? How much credit should be given Baldwin, of Georgia, a recent emigrant from Connecticut, who disbelieved in the desirability of the compromise that nationalized some features of the Connecticut "federal system," and yet voted for the compromises as something better than failure? Not a ray of light is cast on any such problems by the essay. It was designed for local consumption, not for general use. Hence discussions of the growing interest in American history, of the Puritan spirit, of the Connecticut migrations, of the Fundamental Orders of 1639, and of the union of Connecticut and New Haven consume six-sevenths of the essay, the proceedings and arguments of 1787, the only real evidence in the case, being disposed of in three pages.

These two volumes demonstrate anew that the publication of popular lectures in the form in which they were delivered is always risky and sometimes unfortunate. Some of the qualities which make such lectures successful, the elaboration of incident, the gossip, the familiar colloquial humor, do not lend charm or force to the printed page. A little slang, such as now and then appears in these essays (Vol. II., p. 59, for ex-

ample) may enliven a serious address but, put into print, it may really blot the book. The careless superlative, so often used in the essay on "John Milton," may become a harmless comparative with a hearer, but in grim black and white it irritates a reader. The essay just mentioned, in its style, its proportions, and its carelessness, is unpardonable. The judgment which devotes five pages to *Lycidas* and one to *Paradise Lost*, while asserting that "the popular theory of creation which Lyall and Darwin overthrew was founded more on *Paradise Lost* than upon the Bible," is thenceforth subject to suspicion. When all has been said, these two posthumous volumes of essays add nothing to the reputation of Dr. Fiske with scholars or casual readers. Their publication is easily understood, but hardly excusable.

KENDRIC CHARLES BABCOCK.

The Teaching of History and Civics in the Elementary and the Secondary School. By HENRY E. BOURNE. [American Teachers' Series.] (New York, London, and Bombay: Longmans, Green, and Co. 1902. Pp. x, 385.)

In the preface the author modestly states that his purpose is "to aid teachers of history, and especially those who have not had special training in historical work, better to comprehend the nature of the subject." That this purpose will be attained there can be no doubt, for this is the latest and best book upon the teaching of history. The causes of its excellence are patent. In the first place, it is the work of a trained historical student who is familiar with the best literature of his subject. In the next place, the method of presentation and the examples and illustrations that are used are sufficient evidence that the writer is a successful teacher. And in the third place, neither fads nor radical methods are here advocated. Sanity of judgment and catholicity of view command the confidence of the reader from the first page to the last. Although the title of the book is *The Teaching of History and Civics*, the latter subject is treated rather incidentally. Only two short chapters discuss the aim and practical methods in teaching civics, and aside from that there is almost nothing. Again, as is natural, the work of the elementary school is subordinated to that of the secondary school, although in the programme of courses in history recommended for the former Professor Bourne departs more widely from prevailing ideas than he does in the case of the latter.

The book is divided, quite evenly, into two parts. Part I. deals with what may be termed the theory of the subject, covering such topics as "the meaning of history," "the value of history," "history in French and German schools," "the school and the library," "methods of teaching history," and "the source method." Part II. takes up the various divisions of the course of study, with practical suggestions as to the general method of handling each period, and with advice as to the use of books. In the first part one finds that all of the best literature upon the various topics has been considered, and there are excellent summaries of

the discussions of debated subjects. The conclusions reached are unusually sound, but if one differs from the author the bibliographies and references place him in a position to pursue the question farther on his own account. The treatment of "history as literature" (in Chap. I.), "the facts of most worth" (Chap. IX.), and "taking notes" (in Chap. X.) must appeal to the great body of teachers. Towards the end of the first part the author says, "As the first principle of method is the teacher, so also is the last principle." And, after all, the entire book is a plea for better-trained teachers of history, and it shows well the necessity of such training, if the work is to be successfully done. In the second part of his book Professor Bourne lays himself open to criticism. One might object to the proportion of space devoted to the various periods; for example, over one-third of the whole is given up to ancient history. In view of the very general acceptance of the *Report of the Committee of Seven*, one might regard as unwise the placing of the limits of medieval history at 395 A. D. and 1560, and the rearrangement of modern European and early American history in such a way as almost to obscure the history of England. These criticisms, however, would not vitiate the value of the work, for the author disclaims any intention of marking out rigid courses of study and just because they represent a new point of view the suggestions made are all the more helpful to one who would distribute the matter in a different way.

A more serious objection might be made to one man's attempting to cover so many fields. Taking, for instance, subjects with which the reviewer happens to be more familiar, he notes the failure to mention Larned's *Literature of American History*. A specialist in American history would have known that the work was in press and, since other forthcoming books are noted, would have included a reference to this. In the treatment of England's relations to her American colonies no mention is made of Beer's *Commercial Policy of England*, for the teacher perhaps the most helpful treatise upon this subject. And in the references for western emigration Professor Turner's articles are omitted, which are the most important of all for this feature of American development. Such omissions are regrettable, but there are compensating advantages in the unity of treatment from all subjects' being covered by the same person, and it must be said that the work as a whole has been well done.

MAX FARRAND.

The Economic Interpretation of History. By EDWIN R. A. SELIGMAN.
(New York: The Columbia University Press; The Macmillan Co. 1902. Pp. ix, 166.)

THE purpose of this book, which is a reproduction with a few unimportant changes of the author's articles in volumes XVI. and XVII. of the *Political Science Quarterly*, is to familiarize American readers with a solution of the problem of social dynamics, which has been engaging the lively attention of thinkers in Europe during the past few decades. The

thesis which Professor Seligman admirably expounds is the following: "The existence of man depends on his ability to sustain himself: the economic life is therefore the fundamental condition of all life. Since human life, however, is the life of man in society, individual existence moves within the framework of the social structure and is modified by it. What the conditions of maintenance are to the individual, the similar relations of production and consumption are to the community. To economic causes, therefore, must be traced in last instance those transformations in the structure of society which themselves condition the relations of social classes and the various manifestations of social life."

The genesis, the development, and the recent applications of this thesis form the subject of Part I. of the book. Its origin is to be found in the philosophical system of Karl Marx, who was a follower of the Hegelian dialectics and familiar with the idea of the growth of society before the theory of evolution had received its definite form. To Hegel's conception of process Marx added Feuerbach's naturalism, and thus obtained his fundamental theory that "all social institutions are the result of a growth, and the causes of this growth are to be sought in the conditions of material existence." His doctrine is not to be identified with Buckle's doctrine of physical environment; for, though similar in kind, it is broader in application and based upon a more acute and thorough analysis of society. By the spring of 1845, long before the publication of Buckle's *History of Civilization in England*, his theory was worked out by Marx. It was the fundamental thought underlying the famous *Manifesto of the Communist Party in 1848* and was definitely summed up in his *Contributions to the Criticism of Political Economy*, which appeared in 1859. It was not, however, till the publication of the third volume of *Capital* in 1894 and the more careful study of his earlier and less known works that Marx's important contribution to the interpretation of history was recognized.

The most interesting and instructive applications of the theory have been made in studies of primitive society. Here the first attempt was independent of the Marxists, for Morgan in his *Ancient Society*, 1877, showed "the connection between the growth of private property and the evolution of the horde into the clan." Morgan's investigations were extended by Engels in his *Origin of the Family*, wherein by uniting Marx and Morgan he proved that the gradual growth of exchange and the division of labor have been effective causes of changes in social and political institutions. Professor Seligman devotes several pages to tracing the development of this idea in recent publications.

In Part II. the author considers the following criticisms of the theory: first, it is fatalistic; second, it assumes historical laws; third, it is socialistic; fourth, it neglects the ethical and spiritual forces in history; fifth, it leads to absurd exaggerations. The book ends with chapters on the "truth or falsity" and the "final estimation" of the theory. The chief criticisms of the doctrine have been due either to the exaggerated claims made by its defenders or to the misconception of it by its critics. The hos-

tility aroused by the writings of the founder of "scientific socialism" led Marx and his follower Engels to overstate the importance of their historical doctrine. But with a more favorable reception the earlier crude form has been modified, so that its supporters no longer claim "that the economic relations exert an exclusive influence, but that they exert a preponderant influence in shaping the progress of society."

Although the historical student is skeptical about the value of any attempt, such as this of Marx and his school, to find the causes of historical change in any particular succession of phenomena, to say nothing of its feasibility, he reads with great interest this complete and able exposition of the most instructive and interesting theory of social dynamics. Professor Seligman maintains throughout the book an attitude of impartiality, and with a complete mastery of the subject and its literature covers the whole field of the controversy, exposing satisfactorily the weaknesses and the strength of the theory, so that the book must be regarded as a distinct contribution to the philosophical side of historical literature.

C. W. ALVORD.

Democracy and the Organization of Political Parties. By M. OSTROGORSKI. Translated from the French by FREDERICK CLARKE, M.A., with a preface by JAMES BRYCE, M.P. (New York: The Macmillan Co. 1902. Two vols., pp. lviii, 627; xliii, 793.)

THIS book is by far the largest treatise that has yet appeared upon a subject which has been growing in importance for nearly a century. The author has been engaged upon the work for many years. He has not only made a thorough examination of the material available, but he has also spent a great deal of time in talking with public men of all kinds in England and America; and, in fact, students interested in the subject have long been looking for the book. The first volume treats of England, the second of America, and they are, in reality, separate treatises; for, although the author makes in the American part an occasional comparison with the condition of things in England, these references are few, and there is no systematic attempt to treat the phenomena of parties in the two countries as different aspects of a single problem.

The first volume begins with a description of the condition of England in the eighteenth century — the old unity, as the author calls it. Then follows an account of the breaking up of the old society, the attempts at reaction, and the definite triumph of the new régime. This part of the book, which covers a little over one hundred pages, is interesting and suggestive. Then the main theme is taken up, beginning with the origin of political associations and party organization, leading up, of course, to the establishment of the Birmingham caucus, and its development into the National Liberal Federation. The author next takes up the development of the conservative organization, and afterwards describes in great detail the party machinery, and the methods of

nominating and electing candidates to Parliament. He also devotes no inconsiderable space to the Primrose League and other auxiliary organizations.

This volume is not only the fullest description in existence of party organizations in Great Britain, but the only comprehensive book on the subject, and as such it is invaluable, not only for students, but also for all persons interested in English public life. Two criticisms may, however, be made upon it, both of which apply, and with even greater force, to the volume treating of America. The first of these relates to its length. Not that the book contains unnecessary matter, or that in reading it one is wearied by prolixity; but simply that many people will not read a book of 1,500 pages who would read the same book if it were half as long. Every library of reference must contain the book, and every student of government must use it, but the public will be less familiar with it than if it were of smaller size.

The second criticism is one which Mr. Bryce makes in the preface, where he remarks, "I cannot but think M. Ostrogorski exaggerates the power and the poison of what he calls the caucus in England." In this Mr. Bryce is surely right, for the author attributes to the caucus a power to direct public policy which it appeared at one time to be about to exert, but which was never fully developed and of late has been distinctly lessened. The author is keen and clear-sighted, but seems at times to fail to interpret quite correctly the phenomena that he perceives. He notes, for example, the growth in recent years of the influence of the official leaders over the National Liberal Federation, and says that the meeting of the delegates is reduced to passing cut-and-dried resolutions arranged beforehand with the leaders; but he does not seem to appreciate the full significance of this. It means that the federation has been muzzled and, as far as it purports to formulate and direct liberal opinion, has been made to no small extent a sham.

The American volume begins with a history of the early organization of parties, the establishment and evolution of the convention system, and its immediate political effects. All this, as in the case of the English part, is well done, clear, and full. The author then goes on to describe the existing party organizations, including the national conventions and the election campaign. One of the best chapters, and certainly the most graphic, is the description of the national convention itself. M. Ostrogorski knows well the stage properties by which the dramatic effect is produced, laughs at the ridiculous side of it, and yet, like the other spectators, he cannot altogether escape from the enthusiasm.

Two chapters are devoted to the politician and the machine, followed by what he calls the struggles for emancipation, that is, the various efforts at reform. Then comes a long summary of results and, finally, the conclusion with its suggestion of a remedy.

The American portion of the work is open to the same criticisms as the English. The length is too great for comfortable reading and there is some repetition that might be avoided. There is also the same ten-

dency to attribute to the machine more power than it really possesses. M. Ostrogorski's own observation is keen and his own opinion is probably accurate, but the work is likely to produce a false impression on the reader. In one of the best chapters of the book (Chap. 7, Sec. II.), on "The Politicians and the Machine," the author points out why the amount of injury actually done by the machine to the life of the nation or of the city is not greater than it is, and how its evil influences are limited; and in the summary at the end of the book (pp. 554-557) he shows us very clearly that he does not fall into the common error of thinking that all the legislation of the country is directed by the machine. But although, as in the case of England, he shows us that he has the facts in his hand, he does not seem quite to grasp their meaning. He does not appear to see that the machine in this country does not quite fill all the place that it appears to fill; that, while it degrades politics, its influence upon the social and economic life of the country, and even upon the growth of the law, is not so large as a superficial observation would lead one to suppose.

There is one special criticism that may be made upon the American part; and here, again, it is a criticism of the impression made by the book, and not of the correctness of the facts as they lie in the mind of the author. He shows us by some of his remarks how well he knows that the condition of the machine differs in different parts of the country; that many states have never had a boss at all, and that others have had one only intermittently. Yet he describes the boss system in such a way that a careless reader would suppose it universal and, in fact, he portrays the condition of things in the worst places as if he were depicting a fair type or sample of the whole. The effect thus produced is of course unintentional, but it leaves the impression on the mind of the reader that the author is speaking in a tone of exaggeration throughout.

M. Ostrogorski's suggestion of a remedy is one that he has foreshadowed through the latter part of the book. It consists in the substitution of temporary leagues, formed to promote particular objects, for permanent political parties organized to control the offices of state. These leagues would, of course, be voluntary. They would be formed and dissolved at the pleasure of their members to meet the exigencies of the times. Union, as he puts it, would thus be substituted for unity, and he sees signs that such change is already coming. A political evolution is beginning to take place, he tells us, with the cry "Down with party and up with league!" and to the evolution of such a movement he looks for the salvation of democratic society.

For the benefit of scholars who prefer to read books in the original tongue it may be added that although the title-page states that this work is translated from the French, we understand that no French edition has yet appeared, or is likely to do so in the immediate future.

A. L. LOWELL.

Storia degli Scavi di Roma e Notizie intorno le Collezioni Romane di Antichità. Per R. LANCIANI. Vol. I., a. 1000-1530. (Rome: Ermanno Loescher e Co. 1902. Pp. iv, 263.)

THIS is the first of five volumes in which the distinguished author proposes to present a history of the excavations and discoveries of works of art which have been made in Rome from the beginning of the eleventh century down to 1870, together with much information as to the formation of the various museums and collections. The field of observation embraces not only Rome, but seventeen neighboring cities, such as Ostia, Tivoli, Anzio, Albano, Ardea, Nemi, and Ariccia. The material is arranged in chronological order, and in order to make it thoroughly useful six copious indexes are provided under the rubrics "Ancient Topography," "Modern and Medieval Topography," "Churches," "Museums, Galleries, and Libraries," "Varia," and "Proper Names." This arrangement makes it possible to obtain at once a complete survey of all the discoveries which have been made at any point within the territory covered, and to trace the history of any collection, as well as that of single objects in these collections. The sources for each item are cited and their authenticity discussed, with such further topographical or archæological annotation as may be desirable.

The value and convenience of this work will be apparent at once, for not only is much material published here for the first time, but much of what had been previously published was relatively unavailable. The labor involved in collecting material so widely scattered has been very great. Lanciani states that his manuscript notes fill ninety-five large volumes containing about ninety-five thousand separate entries, and that he himself gathered the material in Italy, France, Belgium, Holland, Germany, Switzerland, and England. In other countries it was done for him.

Down to the fifteenth century our information is comparatively meager, but the notices which Lanciani has collected are especially interesting. The first excavations seem to have been made as early as the seventh century for the purpose of procuring the marble basins from ancient baths, in which to bury the remains of the martyrs within the churches. This was made necessary by the exposed position of their previous tombs, and the increasing inaccessibility of the catacombs. For the same reason sarcophagi, both Roman and early Christian, were searched for. Funeral urns were eagerly appropriated to be used as receptacles for holy water in the churches. The depredations of the workers in marble during these early centuries, who wanted the ancient statues both for models and for raw material, are described, and the discoveries of their workshops, the most notable of which was that of the workmen of Cardinal Raffaele Riario, the builder of the Cancelleria, found in 1871 in the Via Gaeta. The first record of the exportation of Roman marbles is in the time of Theodoric, when the columns of the *domus Pinciana* were carried to Ravenna, but afterwards the custom be-

came general, and even Westminster Abbey appears among the famous churches which were adorned with the spoils of Rome.

After the beginning of the fifteenth century the record is much more exhaustive. Thus on pp. 100-126 are the notices sifted from the *sylloge inscriptionum* of Fra Giocondo, with reference to the thirty-nine private collections of antiquities in Rome in 1498. In connection with the discussion of the sack of Rome in 1527, it is interesting to note that Lanciani takes his position definitely with Gregorovius that the German troops did not deliberately destroy the antiquities of the city.

Although this book is essentially of the nature of a catalogue, it is written with the author's usual charm of style, and the typography is most attractive. It is characteristic of Lanciani that he should adhere to some of his topographical identifications, even after they have been generally abandoned by all others. This work when completed will be a fitting climax to the author's many years of investigation, and will probably be the most valuable and useful of his long series of publications.

S. B. P.

Ancient History to the Death of Charlemagne. By WILLIS MASON WEST, Professor of History in the University of Minnesota. (Boston: Allyn and Bacon. 1902. Pp. xlii, 564.)

THE appearance of this volume affords one more indication of the passing of the old one-year course in general history. Considering such a course "confessedly inadequate, unattractive, and destitute of disciplinary value," Professor West has adopted the compromise proposed by the Committee of Seven, which demands a full year of study for the ancient period alone, and has prepared for the first year's work in history in high schools a text-book which departs in many respects from the conventional manuals of ancient history. Instead of writing separate histories of Greece and Rome and binding them in one cover, he has sought to give Greece and Rome their proper setting in a unified account of the ancient world from the earliest times to the death of Charlemagne, where his volume on modern history is to begin. In order to secure this result many topics once deemed essential are omitted or greatly condensed, while the great connecting epochs of the Hellenistic period and the Roman Empire are treated with unusual fullness. One will look in vain for the jewels of Cornelia and for the sacred chickens; in spite of Thucydides and Cæsar, the accounts of the Sicilian expedition and the campaigns in Gaul occupy but six lines each. The space thus saved from anecdote and military narrative is devoted to the causes and results of wars and to relatively full descriptions of institutions and civilization. Other features of the book will come as a shock to many teachers. Since "the Middle Age is an uncertain one," the author finds "a manifest advantage in ignoring it and in making only two parts to history." The reader is warned against using race character as a universal solvent or even as in itself a valid explanation. "The Aryan fiction" gives way to an anthropological classification of races, and even the Aryan languages are dis-

missed with bare mention in a foot-note. In the early history of Greece the new theories of Professor Ridgeway are preferred to "the undoubted error" of other views. The paganism of the Roman Empire gets fairer treatment than in most text-books, and the temptation to ascribe the fall of Rome to the vices of the Romans is successfully resisted. Such independence, refreshing even when carried to extremes, has, however, its limits. Professor West does not profess to be a special student of ancient history or to draw deeply from the sources. He relies for the most part upon such respectable authorities as Holm, Ihne, and Mommsen's *History*, and does not appear to have profited by the more recent histories of Beloch, Meyer, or Pais, or to have used many of the more special monographs and constitutional treatises; so that those who incline toward the newer views will find much to criticize. Chronological exactness, too, is sometimes attempted where it is unattainable, statistics of population are given with undue confidence, and there are various errors of detail which need correction.

As a book for schools the volume has many excellent features. It is uncommonly well supplied with maps, it has an elaborate table of contents, it abounds in references, questions, and suggestions for supplementary work, and its abundant quotations from good books encourage further reading. The style is clear but not always simple, and the author has not shrunk from using difficult words. In the reviewer's opinion there is too much of generalization expressed in abstract terms, and too little concrete description. Still, the problem of presentation is much more difficult in a book of this kind than in a narrative text, and it is more important to stimulate thought than to tell a pleasing story. The book is plainly the work of an experienced and thoughtful teacher, and cannot fail to prove helpful to other teachers and to the better sort of students. Much of it looks like strong meat for the average pupil in his first year's work in history, but Professor West knows the high-school mind better than does the reviewer, and if students of this grade are ready for his book, they will find it a useful aid to historical study.

CHARLES H. HASKINS.

De Necessariis Observantiis Scaccarii Dialogus, commonly called Dialogus de Scaccario. By RICHARD, SON OF NIGEL, Treasurer of England and Bishop of London. Edited by ARTHUR HUGHES, C. G. CRUMP, and C. JOHNSON. (Oxford: at the Clarendon Press; New York: Henry Frowde. 1902. Pp. viii, 250.)

THE text edition of the *Dialogus de Scaccario* is doubly welcome because we have waited for it so long. The editors are three officials of the Public Record Office, who put forth their work "with some confidence" as an improved text. This claim must certainly be admitted, and the student of the book has now before him the various readings of the three manuscripts on which must depend our knowledge of what Richard son of Nigel wrote. The text itself as here published is a composite one adopting what the editors believe to be the best readings of the manu-

scripts together with emendations of their own and of other scholars. There is, I believe, no variation from the text as printed by Stubbs in the *Select Charters* which makes any change of great importance in the meaning of a passage, but we may now have the confidence which comes from knowing that we have the best there is, in fact that we have all there is.

If one hesitates to find any fault where there is so much to be grateful for, regret at least may be expressed that the editors did not see fit to develop at greater length that portion of their introduction which deals with the manuscripts and with the formation of the text, and give in some detail the reasons for the conclusions which they reach. A knowledge of the genealogy of the manuscripts, of their relation to a lost original and to one another, is so important to the user of a text edition, and a full understanding of the evidence on which the editor's results are based adds so much to confidence and saves so great an amount of time unnecessarily expended if for any reason the reader feels obliged to work out the evidence for himself in the at best imperfect way possible from a printed text, that several more pages might profitably have been added to the introduction to contain these points. Unfortunately the manuscripts do not seem to have made possible a complete genealogy, and yet one cannot avoid the feeling that there is here some unnecessary uncertainty, though possibly this feeling arises more from the editors' briefness of statement than from the facts themselves. The natural inference from the paragraph beginning on p. 2 is that the editors' final conclusion is that both X, the supposed original of C, and Y, that of R and N, "derive directly from the original text" with the possible existence of copies between them and the original. At the bottom of p. 7 they argue as if they had never said that X and Y probably derived directly from the original, but as if their first stated conclusion had been that one copy came between them and it. Theoretically at least, the situation ought to admit of something like a probable settlement of this question, which is of some importance as bearing on the other question of interpolations. There are fifteen passages in which the editors reject a reading which is common to all three manuscripts, and one at least of these, that on p. 136, where *quis* is read by all for *ciuis*, is interesting, though it may not be by itself conclusive.

It is a misfortune in this connection that the manuscript which is here called H, about contemporary with R, proves to contain no readings of value. The editors have apparently settled the question whether this manuscript is a copy of R or of R's original. The point is important to justify a more categorical statement than is made, but I understand their conclusion to be that H is a copy directly from R, though they refer without comment from their discussion to Mr. Hubert Hall's in the introduction to the *Red Book*; and his conclusion is that it is not a copy of R. Liebermann only says "perhaps a copy of R" in his brief note in the *Neues Archiv*, x. 594, and nothing more in *Ueber die Leges Henrici*, p. 11. If H were a third copy of Y, which is the alternative, then even bad readings might be of some value, but it seems definitely proved that

nothing is to be learned from it. In the readings on the first page of the text we have references to N² and N corr., and shortly after to N³, R corr., and C corr., but the introduction gives no account of the character or date of the work of the correctors.

Sixteen passages are bracketed as interpolations although they occur in all the manuscripts. In all cases, therefore, the argument against the passage is what may be called subjective. In the majority of cases it is that the passage interrupts the argument of the author. There will be room here, of course, for difference of opinion. For the longest of these passages, one of half a page on p. 63, the argument seems satisfactory, but for the important passage on p. 67 (I. iv. A.) it is hardly convincing. This is the passage in which the writer alleges the absence of all reference to the blanch-ferm in the Domesday Book as an answer to that argument for the early existence of the exchequer which is based on the fact that peasant holders of land know by tradition all about blanching money. The statement that the blanch-ferm is not mentioned in the Domesday Book is certainly untrue, but that fact hardly serves to prove to us that the author of the rest of the book did not write this passage, nor is it quite conclusive to say that the merest glance at the volume would disprove it when we remember that Bishop Stubbs in the last edition of his *Constitutional History* (I. 408, n. 1) expressly agrees with the statement. With the editors' second point, that the passage is not pertinent to the argument, we may disagree entirely. "The memory of the cultivators," says Richard, "only shows that the blanch-ferm goes back to Saxon times, not that the Exchequer does, but in reality the fact seems to be opposed to those who assert this because the blanch-ferm would certainly have been mentioned in Domesday Book had it been in use." All rejected passages are printed in the text and marked only with brackets, so that the student may easily form his own opinion in each case.

All chapter headings and chapter divisions are omitted from this text, and the editors conclude definitely that they formed no part of the original, but here also the argument is incompletely stated in the introduction and must be worked out in detail from text and notes in order to develop its full strength. Nor is it then entirely convincing. The editors say, "the body of the treatise contains one reference to a chapter heading" (I. x. C. "in titulo de libro judicario"), but so far as appears the reference at the end of II. ix. is rejected from the text only because it is a chapter heading, and the reference in I. vi. B. is not bracketed in the text nor criticized in the notes, while even if the phrase "in agendis vicecomitis" refers to the whole of the second book, this does not prove that no chapter titles existed in the original. Nor have I found any reference to the fact that while "R and C are the only MSS" containing the chapter headings, blanks for them all are left in N (Liebermann, *Einleitung*, p. 7).

While one is in a complaining mood, the notes deserve attention. It is hard to forgive the placing of them at the end of the text. This practice is excusable only in a book for popular use where it is feared

that the notes will distract the reader's attention. In a book primarily intended for the student it simply wastes time, and to this charge of wasting the time of other students, which the scholar surely ought to wish to avoid, the editors have rendered themselves doubly liable by not printing the page numbers in the notes in a type that will quickly catch the eye.

I would not be understood, however, to imply that the balance of the account stands on the debit side when it is all made up. We have far more to be grateful for than to find fault with in this book. The heaviest charge amounts to no more than to say that the editors have been too sparing of words in proving their conclusions. And even this does not apply to the historical portion of the introduction, which occupies 44 out of 53 pages and gives in detail the procedure of the exchequer, differing in some particulars from the account of the same matter given in the introductory volume of the series published by the Pipe Roll Society.

GEORGE B. ADAMS.

Historical Introductions to the Rolls Series. By WILLIAM STUBBS, D.D. Collected and edited by ARTHUR HASSALL. (New York: Longmans, Green, and Co. 1902. Pp. v, 534.)

FROM the point of view of the general history of England the introductions by the late Bishop Stubbs to the volumes of the "Rolls Series" which he edited are the most valuable of any in the series. They form almost a continuous history of England from the accession of Henry II. to the death of John, full of detailed descriptions of characters and events, and they also discuss in text or notes many important problems. It was a useful thought to put these introductions at the service of the general public by bringing them together in a single volume.

While, however, their mere republication as we have it here is welcome, it is greatly to be regretted that the editor should have confined his editorial duties within such narrow lines. A page and a quarter of preface and five pages of index include his entire contribution to the book. He has not added a note of his own, nor modified a note of the original. References to the best editions of particular sources in print at the time of the writing stand unchanged, though numbers of these have since been superseded by new editions. The bibliographical references are left in a form which is often deceptive, sometimes almost absurd, as in the note on the Pipe Rolls in print (p. 129). The entire literature that has appeared in the period since the original publication is passed over without mention, and the reader would never suspect from anything in this book that new light had been thrown on many of the problems discussed, or that in at least some places the author would surely have reached other conclusions, or phrase differently the statement of his views if he were writing now. It is detracting nothing from the great service which these introductions rendered in their time to the true understanding of English history to say that no one can regret their republication in this form more deeply than Bishop Stubbs himself would have

done. It is particularly to be deplored because the public, to whom the book is chiefly addressed, is so ready to take its history on the authority of great names. Examples abound which might serve as models of the proper sort of editing for such a republication, as, for instance, the editions of the later volumes of Waitz's *Deutsche Verfassungsgeschichte*, which have been published since the author's death.

Disappointed in the body of the book, one turns to the index in the hope that in this he may find the guide he has so often desired to the discussion of men and events scattered through these introductions, but only to be disappointed again. It is difficult to speak with any patience of so inadequate an index. Apparently, the intention was to include the names of all persons of first rank, but in what way could the editor be sure that his judgment would be in accord with that of the reader? Most names of persons of lesser importance are omitted, but a few are inserted, though on what principle it is impossible to say. Errors and omissions occur even under the names admitted to the list, and I hardly expect any one that recalls some of the foot-notes in these introductions to credit the statement that the notes have not been indexed at all. In a few instances a name in the text leads through the index to a note, but otherwise no help is furnished in getting at some of the most valuable portions of the book.

It is possible that the editor may have found his excuse for abandoning his task in the size of the volume, which as it stands is certainly a large book, and one dislikes to object to a choice which includes in this accessible form the essay on St. Dunstan and those on Edward I. and Edward II., though these last are of comparatively little value. If these three had been omitted, however, the book would have had greater unity than it has, limited as it then would be to the reigns of Henry II. and his sons, and the space thus saved for editorial comment and a satisfactory index would have been ample to make the book what it ought to be. Or almost the needed space might have been obtained if the publishers had been persuaded to drop the wholly abominable practice, in which they are chief sinners, of binding up a catalogue of their publications with books of this kind.

Taking all together, one examines this book with mingled feelings. It is a matter of rejoicing that these interesting and valuable essays are brought together into a single volume easy to be procured by any one. It is a matter of great regret that they are not put into a form which would render them as useful to a new generation of students as they were to the generation which had the advantage of their first appearance.

GEORGE B. ADAMS.

Beiträge zur Geschichte des spanischen Protestantismus und der Inquisition im sechzehnten Jahrhundert. Nach den Originalakten in Madrid und Simancas bearbeitet, von DR. ERNST SCHÄFER. (Gütersloh: C. Bertelsmann. 1902. Three vols., pp. xvi, 458; iv, 426; iv, 868.)

THE infinite historical wealth of the Spanish archives is gradually being utilized, but rather by foreign than by native scholars. Liberal as the government has been in throwing them open to seekers after knowledge, the vast masses of documents seem to exercise a paralyzing influence. The papers connected with the Inquisition alone are enough almost to benumb ambition. Don J. T. Medina, of Chile, is the only one of Spanish race who has sought to penetrate systematically into their secrets, and he has made good use of the results in elucidating the activity of the Holy Office in South America. In a more desultory fashion Padre Boronat and Don Manuel Danvila y Collado have used the archives to illustrate the history of the Moriscos, and Don Marcelino Menendez y Pelayo that of the heretics; Don Manuel Serrano y Sanz has also done good work of late in printing and analyzing documents illustrative of the early prosecutions of Illuminism and Mysticism; but it is to a learned German that we owe an illuminating view of one brief episode in the career of that institution, drawn from an exhaustive examination of the original documents.

The sudden development of so-called Lutheranism in Seville and Valladolid in the sixth decade of the sixteenth century and its prompt and stern repression have elicited an amount of attention on the part of Protestant writers vastly disproportionate to the real importance of the matter. It suited, at the time, the interest of the government and of the Inquisition to exaggerate the danger to the faith, and sympathizing historians have accepted and augmented these exaggerations, while indulging in exuberant rhetoric over the so-called martyrs. Dr. Schäfer has rendered a real service by searching among the records for such documents as remain concerning these events; he has studied them in every detail with true German thoroughness; and, while not concealing his personal sympathies as a Protestant, he has presented the facts in the clear, dry light of history. Before a scientific investigation such as this the legends of Gonzalez de Montes, transmitted by Llorente to McCrie and succeeding writers, shrivel into their proper proportions.

In his first volume Dr. Schäfer gives a sketch of the procedure of the Inquisition, followed by a clear and detailed account of the two little Protestant conventicles of Seville and Valladolid, which were discovered in 1857 and 1858. For these his materials are drawn almost exclusively from the records which he prints in the second and third volumes, partly in full and partly in abstract. His portion of the work is pervaded by a thoroughly sane and scientific spirit, while ample references are given to the documents on which the statements are based. Possibly a more extended acquaintance with the operations of the Inquisition might have

led him to entertain a more unfavorable conception of its methods and to judge it less leniently, but, if he errs, it is on the right side, and his work will serve to correct some of the exaggerated notions popularly current. Similarly, his account of the persecution itself and of its unfortunate victims will dispel many illusions. The latter were neither so numerous nor such martyrs as they have been represented. The number of Spaniards involved in it, more or less infected with Lutheran heresies, did not exceed two hundred in all. For the most part their convictions were but lukewarm; almost without exception, when on trial they commenced by denying their faith, and ended by abjuring it, while they cheerfully denounced and gave evidence against their associates, in the hope of winning the favor of their judges. It is true that quite a number who confessed and recanted were executed, in virtue of a special papal brief authorizing the denial of mercy to those who sought reconciliation to the Church, but the sum total of real martyrs who steadfastly adhered to their faith can almost be counted upon the fingers of one hand. The relations of the autos de fe are somewhat obscure upon this point; recantation, even at the last moment, earned the privilege of being garroted before the fagots were lighted, and few there were whose convictions and moral fiber could endure the awful strain. Abbot Illescas, a contemporary, tells us that in the successive autos de fe at Seville there were forty or fifty Lutherans put to death, of whom four or five suffered themselves to be burned alive. Comparing this with the simple record of the Scillitan Martyrs or with the eagerness of the medieval Cathari to be burned, one cannot fail to recognize that the Lutheranism of the sufferers was mostly of no very ardent nature.

The scientific character of Dr. Schäfer's labors suffers somewhat from the necessity which he seems to have felt of assuming a polemical attitude towards Pastor Fliedner and others who still insist on the magnitude of the Protestant movement and the self-devotion of its partakers. This was wholly superfluous, for Dr. Schäfer's facts speak for themselves and are unassailable. It has moreover led him to the unfortunate mistake of presenting his documentary proofs, not in the original, but in a German translation. This has involved no trifling labor, the reason alleged for which is that a knowledge of Spanish is not common in Germany, and he desires evidently that all his readers may be able to verify his assertions, overlooking the danger that his opponents may call in question the accuracy of his translations. Apart from all this, all scholars want to have the *ipsissima verba* and there is a natural hesitation in relying upon what has passed through another mind. From such opportunity as I have had of comparing Dr. Schäfer's versions with the original documents, I have full faith in the fidelity of his work, but when a conclusion is to be drawn from some delicate shade of meaning one likes to feel sure that nothing has been unconsciously lost in the rendering into a wholly different idiom. This, however, detracts but little from the value of a work which will remain a necessary source for all who treat of this phase of the Reformation.

Dr. Schäfer has confined himself so rigidly to the limits of his title-page — the history of Spanish Protestantism in the sixteenth century — that he has refrained from an exposition of its most important feature — the influence which its appearance and repression exerted on the fortunes of Spain. It came when the Inquisition was in a decadent condition. Valdes, the wretched inquisitor-general, was discredited and on the point of disgrace. The spectre of Protestantism not only saved him, but enabled him adroitly to secure for the Inquisition a power and an assured financial position which it had never before enjoyed. No one who soberly reviews the religious condition of Spain at the period can imagine that the little band of Protestants could have exerted any important or lasting influence or have given rise to any serious trouble, but the alarm which was sedulously spread gave to the Inquisition the opportunity of posing as the savior of society and led to the adoption of a rigorous policy of non-intercourse with neighboring nations which contributed largely to the intellectual and commercial stagnation of Spain and conserved its medievalism up to the period of the Revolution. This is the lesson to be drawn from the dismal story, and it is this which invests the transient appearance of Protestantism with its only real importance.

HENRY CHARLES LEA.

The Merchant Adventurers of England. Their Laws and Ordinances, with other Documents. BY W. E. LINGELBACH, PH.D. [Translations and Reprints from the Original Sources of European History. Second Series. Vol. II.] (Philadelphia: Published by the Department of History of the University of Pennsylvania. Longmans, Green, and Co. 1902. Pp. xxxix, 260.)

THIS publication is a significant contribution to the history of the Merchant Adventurers Company. The bulk of the work is taken up with a reprint of the Laws and Ordinances of the fellowship from the only copy known to be extant, a manuscript folio in the British Museum. Of the remaining documents, some are already in print, but their rarity or illustrative importance justify their inclusion in the present collection. The preface and the brief introduction indicate the present status of investigation on the subject, and present a meaty and scholarly account of the history and organization of the company. It is refreshing to note that we are told in a frank and straightforward fashion just what is known and what is not. Dr. Lingelbach's general conclusions are that the views of ordinary writers, particularly as regards the origin of the company as a corporate body, do not altogether accord with the facts, and that its activity was wider and of longer duration than is generally supposed. Although considerable material has been brought to light in recent years, much remains obscure because the private records of the company have not been found, and because so little attention has been paid to its history from the close of the seventeenth century, after it lost its English monopoly and transferred the center of its operations to Hamburg. On the latter point Dr. Lingelbach himself supplies new information.

As to particulars, he shows, and apparently for the first time, that the British Museum folio of the Laws and Ordinances is not the original drawn up in 1608 by Wheeler, the company's secretary, but a copy dating from 1611. The editor rejects the generally accepted view that the foundation of the fellowship rests on the charter of 1407, on the ground that that instrument did not distinctively apply to the special body of merchants afterwards known as the Merchant Adventurers Company. Its definite organization, he maintains, dates from the charter of 1505, although the body was officially but indirectly recognized by the act of 1497. It is to be regretted that the charter of 1505 is not printed along with the other evidence. Another point which Dr. Lingelbach does well to emphasize, although it should be evident to readers, for instance, of Professor Gross's account (*Gild Merchant*, I. 148-157) is that, while composed of English traders, the seat of government was from the first not in England, but on the continent. There is an interesting account of the rivalry between the Staplers and the Hanse League; but for the benefit of the lay reader a clearer definition of the distinction between the former and the Merchant Adventurers would have been acceptable. In discussing the relations with the Hanse, and in the account of the political activity of the fellowship in the struggles between Crown and Parliament, there are instances of repetition which could have been avoided in such a brief treatment. Moreover, the influence of the company as a factor in the latter issue seems to be thrown into somewhat exaggerated perspective. In this connection it should be noted that since the appearance of the present work Mr. Firth has shown in his articles on "Cromwell and the Crown" (*English Historical Review*, August, 1902, and January, 1903, particularly January, p. 54) that Sir Christopher Packe, governor of the company, was not "the prime mover in the Ordinance of 1656" (XXI. 247). Although he introduced it, he was simply the instrument of others.

There are a few slips in proof-reading; for example, 1464 (p. xii) should be 1564, and Rushwood (p. 34, note) must undoubtedly be Rushworth. Again (pp. 194, 195) we are not informed why there is a jump from page 171 of the folio to page 200. A glossary or an occasional note explaining such unusual words as "broake" would have been desirable. It is pleasant to learn that a bibliography of the sources with a critical and descriptive account of those which are most important may soon be expected.

ARTHUR LYON CROSS.

The Naval Miscellany. Edited by JOHN KNOX LAUGHTON, M.A., P.N., Honorary Fellow of Gonville and Caius College, Cambridge. Vol. I. (London: Printed for the Navy Records Society. 1902. Pp. xi, 463.)

LIKE other publishing societies, the Navy Records Society has found that besides its longer pieces, fit to constitute separate volumes, it has accumulated a number of documents too short for such use, but which nevertheless it wishes to print. Accordingly, as its twentieth volume

it prints a volume of miscellany, edited by its secretary. Some of the contents are of more than simply professional interest.

"The Book of War by Sea and Land, anno 1543," by Jehan Bytharne, is a brief account of the decorations of a ship of war, and of the signals then in use in the French, and perhaps also in the English navy. It has close relations with Philippe de Clèves's "Briefve Instruction de toutes Manières de Guerroyer," first printed in 1558 but written earlier, with a similar tract by Antoine de Conflans, and with the code of signals issued in 1517 by Charles V. for his first voyage from Flanders to Spain, printed by Captain Fernandez Duro in the first volume of his *Armada Española*. Next follows a somewhat important "Relation of the Voyage to Cadiz in 1596," by Sir William Slingsby, commissary-general of munitions. Mr. Julian Corbett explains how Slingsby's position as a friend of Raleigh rather than of Essex, yet a soldier and not a sailor, makes him impartial as between the two quarreling factions in the expedition, and gives his narrative value. It is accompanied by a facsimile of a remarkable and unique engraved chart of the Cadiz action, and by others which give the earliest exhibit we have of the system of squadronal flags. Then follows a translation of an unimportant Portuguese tract on Hawke's action in Quiberon Bay in 1759; and then, much more valuable, the journals of Captain Henry Duncan, who commanded the *Eagle* on the American coast in 1776-1778, the *Medea* in 1780 and 1781, the *Ambuscade* and the *Victory* in 1782. Duncan supervised the landing of British and Hessian troops which preceded the battle of Long Island, and gives many interesting details of the naval operations around New York and in Delaware Bay. The editor declares in a foot-note that "George Washington, Esquire," was at that time the ordinary English way of addressing officers of even the highest service rank, naval or military. Duncan's cruises in the *Medea* give interesting glimpses of American privateers; while his position as flag-captain in 1782 gives a peculiar value to his account of the relief of Gibraltar and the rencounter off Cape Spartel. It is, I suppose, an error to say (p. 123) that the form Brookland was at that time commoner than Brooklyn, for the name of the Long Island village.

Perhaps the most important letters in the volume are those which come from the papers of the first Lord Hood, especially those which state to Sir William Hamilton the embarrassments which Hood encountered at Toulon from the presence and conduct of the Neapolitan commander, Forteguerra, and those which explain Hood's supersession from the Mediterranean command in 1795. Interesting also are the letters of George III. to Hood, relative to the placing of the King's third son, afterward William IV., in the naval profession. The letters of Captain the Hon. William Cathcart, 1796-1804, are slighter in quality. Of the extracts from the journal of Thomas Addison, a minor officer in the service of the East India Company from 1801 to 1829, the most interesting part is that which relates to the capture of his ship by the *Marengo*, Admiral Linois, in 1805. Then follow a few papers on the seizure of Helgoland in 1807,

and finally a series of individual letters. Of these the most interesting are certain from Nelson, chiefly at the time of his service under Sir Hyde Parker before Copenhagen. Writing to a Jamaican friend in 1805, and speaking of the British possessions in the West Indies, he says (p. 439): "Neither in the field or in the senate shall their interest be infringed whilst I have an arm to fight in their defence, or a tongue to launch my voice against the damnable and cursed doctrine of Wilberforce and his hypocritical allies; and I hope my berth in heaven will be as exalted as his, who would certainly cause the murder of all our friends and fellow-subjects in the colonies."

American readers will be interested in the letter of Andrew Paton, pilot, of Pittenweem, who was enticed on board of Paul Jones's ship off the Isle of May, and remained there two months, including the time of the action between the *Bonhomme Richard* and the *Serapis*; also in a letter from a certain Lieutenant William Jacobs, who was at Boston in 1754, and served with the provincials in Acadia. He says (p. 403): "There is one thing in this part of the world, and that is the unkind behaviour of the regulars to the irregulars. Most of the officers are men of fortune in New England, and have left their estates to serve their king and country. The resentment has run so high that I believe the New England troops will not serve nor join the regulars any more; and perhaps will not serve at all, which will be a great loss to the Government; for the Americans are a brave, honest people. I do not pretend to say whose fault it is; but this is certain, it ought to be looked into, as these troops are all volunteers no longer than for a year."

J. FRANKLIN JAMESON.

The Naval Tracts of Sir William Monson. Edited by M. OPPENHEIM.

Volumes I. and II. (London: Navy Records Society of Great Britain. 1902. Pp. lxvi, 395; 395.)

SIR WILLIAM MONSON, the first English seaman to write upon naval affairs, was regarded as the most distinguished naval expert of his time, and that time was the most stirring and momentous in the naval annals of England. These *Tracts* are a brief historical survey of the naval operations undertaken between 1585 and 1603, with a mature criticism of their plan and conduct. The author had known and served with all the famous English sailors of that day, and he wrote for the express purpose of giving light and guidance to those who were to come after him. These papers, therefore, can hardly fail to interest the general reader and are of deep interest to the naval student. These two volumes contain the first of the six books of these celebrated *Tracts*.

In 1585, when seventeen years old, young Monson ran away to sea, which was a usual mode of enlisting in that adventurous time. Helped no doubt by family influence, he gained rapid advancement and was a vice-admiral in 1602. That he was a trusted counselor and a bold and wary fighter is sufficiently attested by the following incidents. In the attack upon Cadiz in 1596 Monson successfully urged upon Essex

immediate entry into the harbor and headlong attack upon the shipping before attempting a landing. Again, in 1597, by his advice, which was expressly sought and given in writing, Essex was dissuaded from making the contemplated attack upon the shipping and harbor of Ferrol. Still further illustration is given by his midnight adventure at sea near the Azores, when he put off from his ship in a small boat to speak a Spanish fleet of twenty-five sail, in the hope of luring them on to chase and capture. Of this amusing adventure let him tell: "He commanded his master, on his allegiance, to keep the weather-gage of the fleet, whatsoever should become of him; and it blowing little wind he betook himself to his boat and rowed up with this fleet, demanding whence they were. They answered, of Seville in Spain, and asked of whence he was. He told them, of England; and that the ship in sight was a galleon of the Queen of England's, single and alone, alleging the honor they would get by winning her, urging them with daring speeches to chase her. This he did in policy, hoping to entice and draw them into the wake of our fleet if they should follow him, where they would be so entangled as they could not escape. They returned him some shot and ill language, but craftily kept on and would not alter their course to Terceira."

Like the story of Salamis to the Greeks is the story of the invincible armada to men of the English race. *Flavit Deus et dissipati sunt*, the cry of mingled triumph and thanksgiving, has long been taken as explanation, in part at least, of the great armada's failure. The true account of that ambitious undertaking is an epitome of the art of naval warfare, and Sir William Monson's opinions will receive ample illustration and adequate test by applying them to the conduct of that invasion and its repulse. He held that if the Spanish fleet had strictly obeyed its instructions to hug the coast of France in proceeding northward, it would have evaded the English, effected the desired junction with the Duke of Parma, and could then easily have succeeded in invading England. He says that but for the information given by a chance scout the English fleet would have been surprised and perhaps destroyed in Plymouth harbor; and surprise confers an overwhelming military advantage, which must be sought by maintaining the utmost secrecy, as it must be guarded against by exercising the greatest vigilance and by acquiring information by all possible means, as from scouts, spies, and otherwise. The possession of a secure harbor for an advanced base he holds to be an absolute necessity to successful invasion: no open roadstead is suitable, because subject to attack by special vessels, such as fire-ships (as befell the Spaniards at Calais). He thought that the proper place to fight the Spaniards was on their own coast; in other words, that the true defense must be offensive. In his opinion, the superior speed and skilful handling of the English ships conferred the greatest tactical advantage that could be desired on the sea. Ship endurance, the ability to keep the sea for a long period with the supplies carried, was recognized as of the utmost importance: this was shown by the inability of the English to continue on the Spanish coast just before the armada sailed, or to follow up the Spaniards after the vic-

tory off Gravelines, owing to the urgent necessity of revictualing and of replenishing the supplies of ammunition. He states that it is idle to hope for any decisive advantage in naval engagements without a decided superiority of ships: this is much the same as Nelson's "numbers only can annihilate." His experience convinced him that ships might properly dare to run past forts, if only the run were made at speed. He explains how a reasonably effective system may be devised for scouting, intercepting, gaining and keeping touch on the high seas, and steadily insists upon its great importance. Finally, he recognizes that wisdom, experience, and seamanlike skill may all come to naught through the chances and hazards of the sea.

Excepting only his belief in the possibility of successful invasion without first destroying or neutralizing the opposing fleet, all the above quoted opinions of Sir William Monson are accepted as true to-day, and they have been abundantly confirmed by the practice of great English seamen during the past three hundred years.

James the Sixth and the Gowrie Mystery. By ANDREW LANG. (London, New York, and Bombay: Longmans, Green, and Co. 1902. Pp. xiv, 280.)

THOSE who are not interested in the minute study of the problems of individual character, or who do not care to master details which, however intricate, "throw strange new light on Scottish manners and morals," will probably content themselves with the more summary and less picturesque treatment accorded the theme in the second volume of the author's *History of Scotland*, to whose thorough preparation the Gowrie monograph bears witness.

The present work would not have been written had Mr. Lang not obtained many unpublished and hitherto unknown manuscript materials. By their use he becomes the first to solve conclusively certain parts of the enigma, while in other directions his critical power appears to lead him further toward ultimate truth than any of his predecessors have gone. Much remains mysterious and conjectural, but the balance of fact and probability inclines decisively toward the innocence of James and the guilt of the Ruthvens.

Of the existence of a Gowrie plot Mr. Lang leaves little or no doubt; its precise aim must remain a matter of conjecture. He himself believes that the affair was the "desperate adventure of two very young men," who conspired to lure the king from Falkland to Perth by the tale of the pot of gold, there to kidnap him, convey him to Gowrie's castle of Dirleton near North Berwick, thence to impregnable Fast-castle, the stronghold of Logan of Restalrig, and "see how the country would take it." Kidnapping the king had become almost a family habit with the Ruthvens; it would gratify ambition and revenge, and was generally regarded, perhaps, as a harmless constitutional procedure not deserving of death. If there was no attempt to kidnap, Mr. Lang thinks there was no plot.

The new material at Mr. Lang's command concerns both the Gowrie conspiracy proper and its sequel, the Sprot-Logan affair. Believing rightly that the "infamous conduct of the Scottish Privy Council in 1608-9 does not prove that, in 1600, the king carried out a conspiracy in itself impossible" and which required for its success the coöperation of Gowrie himself, Mr. Lang makes the complete separation of the two a structural feature of his work. The new sources on the Gowrie conspiracy were found in the London Record Office!

A letter of December 5, 1600, from Nicholson to Cecil introduces a new character, Robert Oliphant, Gowrie's trusted retainer. The evidence, if accepted, proves that Gowrie had formed the plot as early as February or March, 1600, when he was in Paris; that he there asked Oliphant to play the rôle of turret-man, but was evaded; that Henderson was the man in the turret, had been trained by Gowrie to the part, but "fainted." Mr. Lang considers that Oliphant, "though entirely overlooked by our historians, was probably at the centre of the situation." The reader must decide for himself.

The "Vindication of the Ruthvens," printed in Appendix B, is a document long desired by historians. This sole constructive attempt at a consistent defense "destroys itself by its conspicuous falsehoods," and shows how very poor a case was the best the contemporary author could produce. Its evidence is also damaging, because on points of great importance it clashes with modern apologists. In particular, it admits the presence of Henderson at Falkland, and it omits to make capital out of the presence of the Murrays in Perth, as proving a royal conspiracy. It ignores their very existence.

Apart from the new evidence, the validity of Mr. Lang's conclusions with respect to the affair of 1600 depends upon his demonstration of the credibility of the King's witnesses by disproving the assumption of wholesale perjury. His case is strong. Their trustworthiness is defended on the broad ground that men not too dainty to take part in a conspiracy would not be too dainty to refuse to swear to essential points in the government's case,—yet not one deposed to Henderson's presence in Falkland. Further, Robertson, the Perth notary, who swore in September that he saw Henderson emerging from the readiest staircase to the turret, did not repeat this testimony in November, which might imply that perjury "was rather repressed than encouraged." That James published Henderson's narrative with full recognition of its variances from his own is well known. Lennox's credibility is of peculiar importance, for if James told Lennox, before reaching Perth, of the pot of gold, the theory of an accidental brawl is entirely destroyed. Why should Lennox swear falsely to the tale of the gold and refuse to swear to Henderson's presence at Falkland?

Mr. Lang accepts the King's narrative, with the exception of the murder theory, on the ground that it gives the sole explanation not demonstrably impossible; that it "colligates" all the facts and is corrob-

orated by them, while no other hypothesis produces coherency. "It cannot be rejected merely because it is unlikely."

Former writers on the Sprot-Logan affair have always reasoned from the unknown to the probable. The Haddington manuscripts place Mr. Lang upon a different footing. These documents, inherited by the present earl from his ancestor, Sir Thomas Hamilton, king's advocate at Sprot's trial in 1608, contain genuine specimens of Sprot's handwriting, letters and papers of questionable authenticity attributed to Logan of Restalrig, and—most important of all—the suppressed records of Sprot's private examinations before the Privy Council between July 5 and August 11, 1608,—all heretofore unused.

Among the Hatfield manuscripts are genuine letters of Logan. A comparison of their photographs with photographs of the alleged Logan plot-letters in the Edinburgh Register House, supplemented by the knowledge of Sprot's genuine handwriting gained from the Haddington manuscripts, proves incontestably that all the famous plot-letters are in Sprot's handwriting and none of them in Logan's. This solves a mystery of three centuries' standing.

The Haddington manuscripts attest the iniquitous proceedings of the Scottish Privy Council in 1608–9. By Logan's forfeiture Dunbar and Balmerino, who were indebted to his estate for purchases of land to the amount of 33,000 marks, escaped payment. The manuscripts show that at Sprot's trial the "government were the real conspirators"; that all the plot-letters were then in their hands, though none were produced; that Sir William Hart's public and official statement of 1608 was wilfully dishonest; and that the government at Logan's posthumous trial in 1609, having iniquitously suppressed Sprot's confessions, robbed Logan's heirs by producing as proofs of his guilt letters that Sprot had acknowledged to be forgeries of his own. There is nothing to show that James ever knew the details of Sprot's confessions, which, by the way, were studiously concealed from Archbishop Spottiswoode, himself a member of the Privy Council. Sprot forged the letters after Logan's death as instruments for blackmailing his executors.

The only documentary evidence that directly connects Logan with the Gowrie conspiracy is "Letter No. IV.," from Logan to Gowrie, dated July 29, 1600. This letter alone (a fact not heretofore known) Sprot never confessed to be a forgery, but stated that it was the model from which he forged the rest. This is certainly true. The letter as we have it is unquestionably in Sprot's *handwriting*, but from internal evidence Mr. Lang concludes—reasonably, as it seems to us—that its *substance* is genuine. If so, which is a matter of individual opinion, not knowledge, there was a Gowrie plot, and Logan was a participant. Sprot's confessions seem to contain grains of truth, and the Sprot-Logan affair therefore affords a strong surmise of the existence of a Logan-Gowrie plot, but adds no absolute certainty to it.

The entire matter—conspiracy, sequel, and evidence—is exceedingly intricate, and is one upon which opinions may still differ. In our judgment, however, critics will incline to accept Mr. Lang's verdict.

OLIVER H. RICHARDSON.

Historic Highways of America. By ARCHER BUTLER HULBERT. Vol. I. Paths of the Mound-Building Indians and the Great Game Animals; Vol. II. Indian Thoroughfares. (Cleveland, Ohio: The Arthur H. Clark Company. 1902. Pp. 140, 152.)

THE first feeling of the reader is that the two monographs of the series here presented lie too far in the remote haze of the prehistoric to be a fair test of the whole. Reference is confined to the Smithsonian reports of delving into mounds and early Indian works. These are supplemented by a few testimonies of "the oldest inhabitant" or pioneer remembrancer. The fact that the last part of the second volume, where the story comes so near the authentic beginnings of history as to concern travel into the trans-Alleghanian districts, impresses one as becoming more trustworthy is perhaps a good omen. When the author comes in later volumes to such present means of travel as the Erie Canal and the Cumberland National Road, no doubt this unsatisfactory uncertainty will become certainty and fact.

A certain disappointment will also be felt because the series promises to be rather a plea for the study of local highways than the fruits of such investigation. The task is described as "a long-neglected" subject; the pleasure of "such out-door occupation" is described; and possible candidates are assured that "the field-work required demands little or no expense and is not without pleasure and fresh romance." Such a plea that a given work should be done might properly have found audience in a monograph with a suitable title rather than in a series supposedly presenting the results of such labor. It is true that an exhaustive study of so vast a field would have grown to encyclopedic proportions; but the question is raised whether the result would not have been more satisfactory even with one topic thoroughly done. We should then have had a last word, a thorough and satisfying verdict, instead of a series of essays under the editorial "we," with comparatively few authorities consulted, a series which barely "blazes the way" through the woods of conjecture, leaving the surveyor and road-maker still to follow.

Another result of beginning the series at such an early stage, or making it so extensive that the commencement must be almost prehistoric, is that the author is compelled to assume the pre-defensive. Instead of instructive statement, he is forced into argument and pleading. "Perhaps," "possibly," and "it is probable" are the fruits of the comparative method in history. Such words as the following illustrate the author's method: "Fortunately, one last piece of evidence which will more than make up for any lack of conclusiveness which may be laid to the charge of the preceding arguments." It is to be hoped that this attitude may disappear from the later and less conjectural periods.

Occasionally the deduction from the arguments may be questioned. The maps of prehistoric remains in Ohio and Indiana, for instance, do seem to prove the thesis set forth that the builders lived in the river valleys; but the map for Illinois shows the larger number by far to be

located on the Mississippi River. Indeed, omitting those built beside the Mississippi and the Illinois, few are to be found within the state. It is also difficult to reconcile the limits of the feeding-grounds of the buffalo, as described in one place from "as far as the eastern extremity of Lake Erie" and "only in the upper portions of North and South Carolina did it extend beyond the Alleghanies," with the statement in another place that "the three great overland routes from the Atlantic seaboard into the Central West were undoubtedly first opened by the buffalo." Is it not more likely that the northern route, from the Hudson through central New York, was an exception to the rule, and this very exception caused it to be developed much later than the others? Another case of *non sequitur* is likely to be charged where testimony is introduced to prove that "a significant fraction of the ancient works lie [*sic*] along the general alignment of present routes of travel" and thereby that ancient and modern highways followed the same general routes. Were these not accidents due to the surveyor's compass, and the exception rather than the rule? Perhaps the most noted of the ancient works in the Ohio valley is the "Serpent Mound." It lies on a bluff and at an extreme point. No ancient way could possibly have passed through or even within view of it.

Where the author turns aside from the proof of his theories and writes of the early highways and the experiences of early wayfarers thereon, he writes very entertainingly. Even his own experiences in tracing old roads, contained in a chapter entitled "Leaves from an Explorer's Note Book," although many would have hesitated to insert it in that undigested form, are most readable. The difficulty here is that one can cover but a small portion of the United States in his individual experience. That the author lives in Ohio or is closely associated in his experiences with that state and has had access locally to the written experiences of early travelers in that state together with Kentucky and Tennessee is apparent on nearly every page of the second volume.

Even in this restricted field of investigation many interesting facts are brought out. The Indian trail always sought the high ground, where a firm footing might be obtained at all seasons. It crossed streams near the mouth, where sedimental bars afforded some relief from the deep waters. The choice of trails varied with the various seasons and such accidents as cyclones, forest fires, and floods. The author is inclined to believe that the "Indian rocks," the "Painted Post," and other devices supposed to have been employed by the aborigines to mark trails were inventions of the whites. The Indian was too well versed in wood lore to employ such artificial means of direction.

So well marked are the trails by indentation in the soil and by descriptions of pioneers together with local traditions that the author is able to classify them into hunting, war, portage, river, and trade trails. The five great trails which connected the Atlantic coast plain with the Ohio valley are located and described, chiefly by means of old maps, several of which are introduced with good effect. Other tabulated proof is in-

introduced to show that the old Indian trails became in convincing number the first military highways, furnishing another link in the author's chain of evidence to show the antiquity of present routes and that such routes dependent on topography have remained unchanged from the remotest time of travel.

It is perhaps allowable to raise the question whether subsequent volumes might be improved in style by dropping the mannerism of introducing so many quotations with the inverted phrase, "Writes a Kentucky historian," or "Writes Mr. Allen." The absence of the editorial "we" would assuredly conduce to a smoother diction, and the same result would no doubt follow a longer period of digestion and assimilation of the whole for the sake of harmony both of statement and of style.

EDWIN ERLE SPARKS.

The American Merchant Marine. By WINTHROP L. MARVIN.
(New York: Charles Scribner's Sons. 1902. Pp. ix, 444.)

THIS is a sketchy and interesting volume whose "declared purpose is to present both the romance and the history of the American Merchant Marine." It has few of the qualities of history, for facts and deductions tumble over one another in the most confusing manner. Again (p. ix) "the author, out of this experience, has reached some positive convictions of his own, but it has been his honest effort to make these pages interesting and informing rather than controversial." As hardly ten pages pass without urging some controversy in a passionate way, this unconsciousness of any historic sense is naïve, for the writer is candid. He opens with a spirited account of colonial ship-building and commerce, and the customary blundering condemnation of the Navigation Acts of Charles II. No other single cause helped the commercial and the whole industrial growth of New England so much as these Acts. He finds causes for the decline after 1720, but fails to notice the overwhelming cause in the enormous expansion of paper currency. He fails to describe the disastrous effects of the Sugar Acts.

In privateering, whale-fishery, and deep-sea fisheries the author is at home; and he brings out the true romance of the seas. The mail-ships and the clippers are depicted finely, and the high qualities of American navigators as well as ship-builders are duly set forth. The amazing statement is cited from the *New York Herald* that a "Black Ball liner" had "made 116 round passages in twenty-nine years without losing a seaman, a sail, or a spar" (p. 222). The Civil War in its inevitable consequences, and the change from sail to steam in the later nineteenth century, brought problems pretty difficult for all historians, and especially hard of treatment by our author's methods. The "ruin" of commerce, so freely ascribed to Toombs and his fellow-congressmen, had many causes, and the true results were not always apparent. Notwithstanding disasters from Confederate cruisers, our wooden fleet was pretty well sold. The capital of the Forbesees, Vanderbilts, and others brought fair returns, when laid down in iron rails, in spite of the "ruin."

In this connection we may, in accord with our author, note the splendid development of the steel schooner, or fore-and-aft sailing vessel, "for this very year 1902 has seen the launching of the greatest sailing vessel ever fashioned in America" (p. viii). Europe as well as America is feeling the scarcity of stalwart labor. The large sailing vessels of seven (why not nine or ten?) masts can carry cargo not only cheaper, but with less relative labor than any form of steamship. Doubtless she will make her way into most foreign ports, carrying among bulky exports coal or oil, which has not been burned away in great part to get its passage.

The necessary criticism in this review should not disparage such breezy sketches and collections of facts, however marshaled and arranged. We believe the author has not made one wilful misstatement of fact; the reasoning will impress each reader according to his preconceptions, and the patriotic romance appeals to all of us.

WILLIAM B. WEEDEN.

The Anglican Episcopate and the American Colonies. By ARTHUR LYON CROSS, Ph.D. [Harvard Historical Studies, Volume IX.] (New York: Longmans, Green, and Co. 1902. Pp. ix, 368.)

It is a pleasure to welcome so thorough and satisfactory a piece of work as Dr. Cross has done in his volume on the relations of the Anglican episcopate to the American colonies, and the efforts to have bishops established on this side of the Atlantic before the American Revolution. Dr. Cross has searched with diligence the available sources of information in England as well as at home, and the result is a treatise of commendable thoroughness, clearness, and completeness. The theme is one of decided interest from a political as well as from a religious point of view, since the intimate relations of Church and State in the mother-country gave to the questions involved, however ecclesiastical they might be in form, oftentimes no little political significance.

Dr. Cross shows that the first motion towards an American episcopate went out from the untiring activity of Archbishop William Laud. As part of his policy for the extension of the power of the Church of England over all Englishmen at home and abroad, he secured an Order in Council, in October, 1633, placing the English clergy of the churches of the Merchant Adventurers Company at Delft and at Hamburg under the jurisdiction of the Bishop of London. The author makes it evident that, while no authoritative action was taken to extend the Bishop of London's powers to the American colonies during Laud's lifetime, such extension was desired by him, and the precedent which was created by his action regarding the continental churches was the basis of the later tradition which associated the establishment of the authority of the Bishop of London over the English church in the American colonies with the reign of Charles I.

In the judgment of Dr. Cross, from the time of Laud to that of Bishop Sherlock the effort to establish an American episcopate ceased to

be of political importance and became purely a question of ecclesiastical organization and religious significance. Such attempts were made, from the Restoration onward to the early years of the eighteenth century, through impulses originating in England; but they excited very little interest. With the foundation of the Society for the Propagation of the Gospel in Foreign Parts, in 1701, however, the chief center of interest in the matter was transferred to America, and its missionaries labored indefatigably for the establishment of an American episcopate, supported to a considerable extent by the representatives of the society at home. Such an episcopate was on the eve of being founded at the death of Queen Anne, and the society went so far as to purchase a residence for the bishop at Burlington, N. J. Had it not been for the death of the Queen and the consequent change in the political situation of England, a bishop for America would have been appointed. With Sherlock's accession to the see of London, in 1748, Dr. Cross connects the incoming of a considerable political element into the situation, and from that time onward to the Revolution political motives complicated the question to a high degree.

Dr. Cross gives a careful résumé of the "Mayhew Controversy," 1763-1765; the "Chandler-Chauncy Controversy," 1767-1771; the "Newspaper Controversy," 1768-1769; and the "Conventions," 1766-1775. The arguments on the several sides, advanced in the often heated and personal pamphlets of this period, are summarized with great thoroughness, and the situation is presented clearly to the reader. From a purely religious point of view, the author makes it evident that the weight of argument rested on the side of those who desired the establishment of an episcopate, and the reasons advanced by them were often not sufficiently or justly estimated by their opponents; but he also makes it no less clearly manifest that the establishment of bishops in the American colonies by act of Parliament, under whatever restrictions, seemed a real political peril in the embittered state of feeling antecedent to the American Revolution, and no guarantee could be given which would be satisfactory to non-Episcopal Americans that the powers of an American episcopate, if established, however moderate at first, would not be increased till they resembled those of the bishops of the mother-country.

The author is no less successful in showing why the movement for an American episcopate, which enlisted so strongly the efforts of the missionaries of the Society for the Propagation of the Gospel in Foreign Parts and of several English prelates, won little sympathy from the English civil authorities. He says: "English statesmen saw that they had nothing to gain and everything to lose by involving themselves in the episcopal question. They knew that bishops with purely spiritual functions settled here would avail them little, and would arouse fully as much odium as an out-and-out state establishment; and, moreover, that the dreaded state establishment would be resisted in the colonies, not only by the Puritans, but by the major part of the Episcopalians themselves. Some writers, as we

have seen, maintained that native bishops would have created a bond of union between the colonies and the mother country which might have averted the war for independence ; but such a theory is untenable and was so regarded by those in authority at that time."

The extent to which the question of a colonial episcopate deserves to be reckoned among the causes of the American Revolution is examined by the author with a good deal of minuteness, and he comes to the following conclusion :

"Undoubtedly, there is something to be said in favor of the argument that the attempt to introduce bishops, and the opposition thereby excited, formed one of the causes of the Revolution. There can be no doubt that the opposition to bishops was based mainly on political grounds: this fact is indicated by the absence of any resistance to the establishment of an episcopate after the Revolution. Moreover, fear and hatred of the Church of England and all its appendages were existent in the colonies from their first foundation ; and the fact that the majority of the colonists professed a religion hostile, or at least alien, to the Anglican establishment afforded good ground for nourishing the seeds of political discontent. But, admitting all this, it must be apparent to one who has followed carefully the course of events, religious and political, during the eighteenth century, that the strained relations which heralded the War of Independence strengthened opposition to episcopacy, rather than that religious differences were a prime moving cause of political alienation. The religious controversies, accentuated and drawn into more public prominence, though not first called into being, by the existing political situation, had a reactionary effect, in that, once in full swing, they contributed, in combination with other causes, to embitter the minds of the patriots and thus to accelerate the impending crisis. Those, then, who argue that the episcopal question was a cause of the Revolution, if they mean an impelling cause, are exposed to the criticism of misconstruing evidence and of confusing cause and effect. Nevertheless, religious affairs were closely involved in the political questions of the time, and if the ecclesiastical causes of the Revolution were secondary and contributory rather than primary and impelling, certainly there was an ecclesiastical phase of pre-Revolutionary history of no little interest and importance."

The value of the volume is much increased by the collection of appended documents filling seventy-six pages, many of them being "transcripts of manuscripts in the Fulham Library, the British Museum, and the Public Record Office, London." It is to be regretted that the proof-reading of so scholarly a work might not have been more carefully done. One finds the "author of the celebrated *Analogy*" named *William Butler* (p. 122) and his eminent nonconformist contemporary described as *Dr. Joseph Doddridge* (p. 126). *Dr. Cross's* continual use of "Independent" and "Independents," for the historic religious polity of New England and its adherents, however common in Great Britain, does not follow the best American usage.

WILLISTON WALKER.

Rhode Island. Its Making and its Meaning. By IRVING BERDINE RICHMAN. (New York: G. P. Putnam's Sons. 1902. Two vols., pp. xiv, 266; iv, 295.)

WE are at last reaching the time when the interest and importance of early Rhode Island history can be fully appreciated. It is now possible to do justice to Williams, Gorton, and the Antinomians without depreciating the orthodox Puritans. Rhode Island can be valued for the many and varied tendencies which it contributed to colonial life, and for the intensely human personalities who shared in its history. A number of valuable monographs have cleared away obscurities which, owing to lack of accessible records, attached to some phases of the history of the colony. Mr. Richman has availed himself to the full of the labors of his predecessors, both in Rhode Island history and in that of New England at large. He has also brought to his task a ready sympathy and an attractive style. These qualities, combined with not a little original investigation and generalizing power, have enabled him to write an excellent book.

To say that it is the best book yet published on early Rhode Island history is to give an imperfect description of its value. Nearly fifty years have passed since Arnold published his work. Not since then has so ambitious a task been undertaken in that field as the one which Mr. Richman has just completed. Arnold was a laborious investigator, but really was little more than an annalist. The author of these volumes has sought so to group his facts as to make them illustrate the fundamental tendencies which were operative in the life of the colony. The controlling tendency was individualism. That manifested itself in religion in the form of freedom of conscience, and in politics in democracy and independence of the local political units. With due reference to these forces, the events of Rhode Island history, general and local, are traced until the death of Roger Williams in 1683.

Among the facts which are brought out with prominence in the volumes are the following: the diversity of origin and belief among the settlers of this colony; the radical type of belief which was cherished by nearly all of them; the possibility of their coexistence under one government only on the basis of perfect religious freedom. Coming to the development of their political system, Mr. Richman properly lays emphasis on the fact that Rhode Island was formed by the union of originally independent towns. He traces the early history of the towns and the process by which they were brought into union. In doing this he clears up some points in the early relations between Poccosset (Portsmouth) and Newport, and throws light on the career of William Harris in Providence. The Coddington episode also falls into its proper place in the general history of the colony. Respecting Gorton and the town of Warwick there was nothing new to be said. Little that is new is said about Roger Williams, but a very true picture is given of the part which he bore in the founding of Rhode Island. The author seems to be fully

aware of the limitations of the man as well as of his great excellencies. One, however, wonders whether Mr. Richman has ever carefully considered the question, What first prejudiced the magistrates and clergy of Massachusetts against Williams? Was it his attack on the patent or his defense of toleration? Upon this depends largely one's view of the justice of their conduct toward him.

Had Mr. Richman attempted a comparison between Rhode Island and the other New England colonies, he might have exhibited some of its characteristics in a light even clearer than that which appears in his pages. The lack of territorial unity in that colony, as compared with Plymouth, Massachusetts, or Connecticut, would have appeared in bold relief. Its constant struggle to maintain its territorial integrity would then appear partly as a natural incident of its location. It might also be seen that it was the effort to preserve this integrity, to save themselves from being annexed by their enemies, which forced the jarring elements within Rhode Island into union. Under the first charter union was not compulsory; it was only permissible. Nothing could be clearer than the contrast between the relations in which the towns stood to the colony in Rhode Island and their position elsewhere in New England. It was reflected, as the author has shown, in the methods of legislation under the first charter. Rhode Island was a confederacy of towns and for a long time after its settlement secession was a possibility. The bearing of this on the Coddington episode the writer might possibly have made a little clearer.

But Mr. Richman has done his work well. His book is accurate and fair. His treatment approaches reasonably near to the standard of the present time and to the demands of the subject. He has wrought into his picture all the salient features of early Rhode Island development.

HERBERT L. OSGOOD.

The History of Enfield, Connecticut, compiled from all the public records of the town known to exist, covering from the beginning to 1850. Edited and published by FRANCIS OLCOTT ALLEN. (Lancaster, Pa.: Wickersham Printing Co. 1901. Three vols., pp. x, 1-912, index, lviii; 913-1904, index, cxxv; 1905-2653, index, lxxxix.)

THESE three handsome and massive volumes contain the entire documentary history of a Connecticut town. With these volumes at hand any one interested in local institutions could work out the development of town life in one particular community and could obtain a mass of evidence valuable not only for the study of local institutions as such, but also for the illustration of larger issues connected with the history of the state and the country.

Enfield owes this unique distinction of possessing her entire body of records in print to the devotion of a descendant of one of her leading families. Mr. Francis Olcott Allen, a retired business man of Philadelphia, desiring to raise a monument to the honor of the town of his

ancestors, has conceived this method of carrying out his purpose. He has certainly done a very unusual and noteworthy thing, for which every historical scholar will owe him thanks. Few will probably use the material here presented, but all will appreciate the example set. In devoting so large an amount of money to the preservation of historical records Mr. Allen has honored himself and the subject of history, as well as the town in whose interest he has planned this work. We can only wish that other men of wealth would follow his example and leave monuments not of stone but of volumes containing in print the perishable records of some particular locality. And furthermore we would wish that more of those who, like Mr. Allen, have a lively interest in some historical town or region would refrain, as he has done, from attempting to write that history themselves and would devote time and energy to the task of transcribing the old records and printing them without curtailment or abridgment.

Enfield was not one of the first group of Connecticut towns and therefore its career is not so important nor its evidence so valuable as would be the case had it been settled before 1660. It was settled from Springfield in 1683 and belongs to the third period in the history of the towns; when the circumstances attending the settlement had become more or less artificial. Worcester belongs in the same category. The basis of the plantation was not a religious and covenanted community, and the first settlers were not a church first and a land community afterwards. In Enfield the land community came first, lands were granted under conditions drawn up by a Springfield committee, and as it happened scarcely one of the original grantees actually settled on his grant. For ten years this committee governed the plantation, though in 1683 a constable had been chosen and a sort of civil organization erected. The next year the people organized themselves into a church and built a meeting-house, and finally in 1688 were incorporated as a town by the Massachusetts general court. Not, however, till 1693 did independent local government begin and were town-meetings regularly held.

In Enfield, as in Worcester at about the same time, the system of land distribution was more or less artificial in origin, but it conformed to the general plan prevailing throughout New England by providing for small, scattered allotments — home-lots, field-lands, and meadows — which distinguished the New England system so sharply from that of Pennsylvania, West New Jersey, Maryland, and Virginia. The committee controlled all land grants until 1692, and the "Committee Book" here printed is one of the most valuable parts of the work, from the social as well as from the agricultural point of view. From 1693 to 1711 a few grants were made and these by the town (pp. 131, 283, 285, 286, 289). But disorder and dissatisfaction led to the regaining of full control by the proprietors (pp. 315, 682), in Enfield always called, at first, commoners. A commoner was simply any one who possessed rights in the common and undivided lands of the town, and in giving to themselves a firmer organization during the years from 1711 to 1715 the commoners were

doing what a great many other commoners in Connecticut and Massachusetts were doing, rescuing their rights from the hands of those who, though inhabitants of the town, had no rights of property in the lands of the township. The Enfield records furnish one more proof of the fact that communal holding of land was unknown in New England. There were a few town lands (pp. 368, 396-7); there were lands which the town received from the colony, the sale of which it kept in its own hands (p. 344); there were other lands owned by the commoners, of which the town had the use for a certain number of years (p. 352); but there is not a trace of communal holding of land, in the usually accepted sense of the word, anywhere in these records. I doubt if it can be found in the records of any New England town. In the detail of their method of distribution and in the rights that they recognized the commoners of Enfield differ in no way from those of other New England towns. All the lands were finally distributed by the year 1734.

One of the most striking incidents in the history of Enfield, and one that gives its career a wider importance, relates to the "secession" of the town from Massachusetts and its union with Connecticut. Enfield lies to-day very near the northern boundary of Connecticut, yet for sixty-six years it was under the jurisdiction of Massachusetts. In 1702 Connecticut discovered that the old boundary line was wrong; and the Enfield people, apparently finding out that they lay within Connecticut's jurisdiction, voted "to yeld themselves under conettecott thir government" (p. 301). In 1710 Enfield was hopeful and voted to send one deputy to Boston but no more "except ym see good reason." But Connecticut was not ready to receive them, and for forty-five years the agitation continued. Connecticut was at this time involved in the effort to save her charter and in the struggle over the intestacy law and did not want to get into any trouble with Massachusetts such as to lead to an appeal to England. But Enfield was persistent: in 1740 she voted to join with Connecticut in order "to Injoy the Priviledges which of right belong to them." She sent one man to Hartford to see if Connecticut would "Except of us," others to the towns of Suffield, Woodstock, and Somers to persuade them to agitate also, and gave power of attorney to another to go about the colony for advice and to visit New Haven in order to influence the legislature. All these efforts show how badly Enfield wanted the municipal freedom guaranteed by Connecticut, and the greater civil liberties and independence from England that the Connecticut charter allowed. Finally, the intestacy question being settled and all danger of losing her charter being removed, Connecticut consented to receive the towns. Naturally, Massachusetts was angry, and had Connecticut accepted earlier the petition of the towns and had she attempted to draw them within her jurisdiction, she would certainly have got into trouble. Even as it was, Massachusetts refused to let the towns go and did not abandon her claim till 1804.

There are many other questions of interest to which attention might be called. Mr. Allen has printed the documents relating to the "Strict

Congregational Church of Enfield," one of which, a pamphlet, does not appear to have been known to the Reverend Dr. Means when he wrote his thesis in 1899 on this important phase of the "Great Awakening." There are indications here and there of the social and industrial activities of the people. In the town the majority of inhabitants were husbandmen, planters, yeomen, and laborers. There were also weavers, feltmongers, tanners, cordwainers, and shoemakers, carpenters, housewrights, and joiners, a dishturner, a ship-carpenter, a combmaker, a chairmaker, bloomers (iron-workers), coopers, and millers. There were no articles produced for export except turpentine; beef, pork, grain, and tobacco seem to have been leading staples for home consumption. These were current instead of money as late as 1770. All money was of course reckoned in pounds, shillings, and pence until 1796, when the word "dollars" appears, but the symbol \$ was not used until 1798. The first church bell appeared in 1784, the first town clock in 1791, seating the meeting-house continued till 1834. In 1811 lightning-rods were put on the church building. There were many deaths of "languishment," one of "hydrocephalus," many of "the rattles," and one of an "inscrutable disease in the head." The town officers were about the same as those of other towns, except the "key keeper," a term I conjecture to be the same as "pound-keeper."

Two quotations of more than local interest may well close this review. In 1770 the town sent an "agent, to attend at a General Meeting of Merchants and Landed Interests of this Colony with instructions to Consider Such Constitutional Measures as may be judged Proper for the removal of those Duties we Suffer from in Special Stedfastly to keep up the non Importation agreement and that the Violaters of it be Treated with Contempt particularly Shew Severest Resentment to the Conduct of New York" (p. 2516). On July 11, 1774, the town rose to the following height of eloquence:

"Then further taking into our Serious Consideration the present alarming situation of the British Colonies by an undue Exertion of ministerial and parliamentary power — which have a direct tendency to the destruction of the British Empire and if persisted in must Inevitably terminate in the utter subversion of our Constitution and total loss of american freedom. and While our hearts glow with the most filial duty and affection to our rightful sovereign king George the 3d and to his illustrious house, and we feel the warmest sentiments of Gratitude to those worthy Gentlemen whose noble and patriotick zeal has animated them with such Wisdom and firmnes to oppose the torent of oppression like a flood Rolling upon us we Cannot but Express our deepest Concern and Grief that men who are decended from the Natural and known Enemies to the Brunswick Succession and who inherit the Intrigue and malevolence as well as the honours and Estates of their ancestors should find such acces to the Royal Ear and by their Subtilty and disguise alienate his majesties affections from his dutiful and loyal subjects. and while we Consider that those who tamely submit to wear the shackles of slavery or behold with supine Indifference al that is dear to us and posterity wrested from us by force must be dead to the principle of self-preserva-

tion Callous to Every feeling of humanity and Criminally Regardless of the happiness and welfare of unborn millions, therefore, Resolved unanimously, that a firm and Inviolable union of the Colonies is absolutely necessary for the defence and support of our Civil Rights with out which all our Efforts Will be likely to prove abortive. that to facilitate such a union it is our Earnest desire that the Committees of the Several Governments meet in a General Convention at such place as shall be thought most Convenient as soon as the circumstance of distance and a Communication of Intelligence will possibly permit" (p. 445).

CHARLES M. ANDREWS.

Social New York Under the Georges, 1714-1776. By ESTHER SINGLETON. (New York : D. Appleton and Co. 1902. Pp. xix, 407.)

A happy, self-satisfied small town, where fashion was much considered, where the round of life rolled on comfortably and pleasantly, distances being short and social entertainment frequent, where there were nearly as good markets as in Philadelphia, almost as much education as in Boston, London modes a trifle late, and where wealth had nearly as great weight in fixing a standard as in Greater New York—such is the picture outlined in Miss Singleton's careful mosaic, put together with bits from ephemeral records. There is nothing haphazard in the author's selections. The morsels are chosen with judgment and discrimination, and so dovetailed that a fairly graphic whole is obtained. The work is painstaking and conscientious. Wills, inventories, private letters, and, above all, the advertising columns of newspapers have been called into requisition to furnish data as to manners, customs, and the methods of supplying their necessities. This kind of information gains value from its unconsciousness. It gives at least one phase of the truth as travelers give another. In connection with the latter, discrimination must be used to distinguish between real observations and those borrowed from an earlier commentator. As Owen Feltham's *Dutchman Epitomized* in the middle of the seventeenth century furnished a mine of epithets for many later tourists to Holland, note-book in hand, so here too, convenient and apt characterizations are sometimes found in use by the next comer. For instance, Kalm's description of New York in 1748 is evidently so much to the taste of some unnamed person who "spent a month in their metropolis, the most splendid town in North America," that he does not trouble to find new phrases. He is quoted as an "enthusiastic author" (p. 5).

The chapters on "Houses and Furniture" are enriched by illustrations showing many objects with pedigrees still treasured in various families. In this section it is to be noted how markedly the impress is English. The Dutch element had, apparently, almost disappeared.

In Part V., family portraits are most suggestive in the discussion of women's dress, and the advertisements, too, are brought into play and used with a good deal of skill. Evidently London fashions were in vogue here about four months after their first appearance in England.

Instructive too are certain theatrical notices. "June 13, 1751. Mrs. Davis hopes as the play is granted to enable her to buy off her time that ladies and gentlemen . . . will favour her benefit"; June 10. Mr. Jago "hopes that all . . . will favour him as he has never had a benefit before and is just out of prison" (p. 274). Pity for redemptioners and ex-convicts was then demanded as a halo to enhance dramatic efforts!

A letter from Elisha Parker to his sister in 1743, accompanying the last two volumes of *Pamela*, shows that New York shared fashions of literature as well as of garments with London. "I think 'em by far the most proper books of any I ever saw for the youth of both, but especially of your sex . . . I have too good an opinion of you to think that the assistance of books is wanted. However the more virtuously inclined the mind of any person is, the more will it delight in hearing of virtue praised and this with the advantage that it will be got by reading a stile so beautiful and natural as the stile of *Pamela*."

From the composite nature of its being, *Social New York* lacks in literary finish, but it has real value as a study of conditions. Its sturdy quality is especially grateful because there has been a plentiful crop of popular works about New York, which have handed on from one to another a long series of half-true commonplaces and inaccuracies anent New Amsterdam and her successor, from unsifted and unweighed authorities. Better work in the field is refreshing. Moreover there is a pleasant definiteness about Miss Singleton's framework. Her picture is confined to the Georgian epoch, her figures are the well-to-do, her topic is their life, and of all her treatment is effective and suggestive.

RUTH PUTNAM.

Ecclesiastical Records of the State of New York. Published by the state under the supervision of HUGH HASTINGS, state historian. (Albany: James B. Lyon. 1901. Two vols., pp. xxxv, 744; xxviii, 745-1442.)

ALTHOUGH published under the supervision of the state historian of New York, the actual work of compiling and arranging this collection has been in the hands of the Reverend Edwin Corwin, D.D. The original occasion for the undertaking seems to have been the discovery of material relating to the Dutch Reformed Church in New York which escaped the researches of John Romeyn Brodhead, to whom students of the history not only of New York but of the American colonies in general are so deeply indebted. Owing to the efforts of Brodhead seven volumes of the correspondence of the classis of Amsterdam were examined and transcribed, and seven bundles of letters from the American churches were first loaned and afterwards presented to the general synod of the Dutch Reformed Church in America. At the time it was thought that these bundles included all the extant letters from America; but Dr. Corwin has found others in the archives of the classis of Amsterdam, among them two portfolios from New York. Furthermore, he has searched the minutes of the classis of Amsterdam, of the deputies of the

classis on foreign affairs, and of the synod of North Holland, as well as the archives of the general synod at The Hague. The editor states that he found very little relating to his subject in the archives of the general synod, since most of the American correspondence was carried on with the classis of Amsterdam and the synod of North Holland. Of these various sources Brodhead's agents appear to have gone through only the minutes of the deputies, and even here in the most cursory way.

On the whole, the additional material brought to light by Dr. Corwin contains very little that is of more than purely local and sectarian interest. But granting the desirability of its publication by the state, and lights upon our colonial history and conditions however faint and flickering are always welcome, one is compelled to ask why the editor and the state historian thought fit to put forth the new matter in its present shape, involved and pieced out with extracts from previously printed works. We are told that "the general plan of the work contemplated an ecclesiastical history of New York, embracing every denomination, each secular narrative told by a representative member of the denomination, from the earliest Dutch times. To that end copious documentary records have been taken and utilized, and in order to forge missing links to the chain, quotations from standard religious publications have been made." In comparison with this statement it is interesting to note that the first appropriation of the legislature in 1899 was "for the translation of copied documents in the possession of the ecclesiastical archives of Amsterdam and The Hague, relating to the colonial history of the State of New York, and for their preparation for publication." Dr. Corwin justifies the incorporation of other material as adding "but little to the bulk of the work" and making it more "unique and complete" as "Original Documents Relating to all the Religious Bodies of Colonial Times in New York and New Jersey." Certainly a very generous portion, and of this the most significant and valuable, is made up of a potpourri of extracts from such well-known and accessible works as the *Documents relative to the Colonial History of the State of New York*; *The Documentary History of the State of New York*; O'Callaghan's *History of New Netherland*; Brodhead's *History of the State of New York*, to cite only those most frequently drawn upon. Since only about fifty per cent. of the material in hand has been used, and since the records stop at the year 1701 without any evident reason or explanation, it would seem that the space taken up with fragmentary excerpts from documents which every serious student prefers to consult in extenso might have been devoted to including the new material up to the Revolution. It should be noted that the editor has been very conscientious in citing the sources of his borrowings.

A word or two needs to be said concerning the execution of the task. The documents, of which about one-third relate to the Dutch period, are arranged in chronological order under the heads of the respective governors. While the table of contents is careful and adequate, there is unfortunately no index. In the body of the work the references should have been in a type different from that used in the text. In gen-

eral, though volume and page are cited, one can note some curious lapses. For example, it is stated that the letter of Reverend Jonas Michaelis of New Amsterdam, written August 11, 1628, to Reverend Adrian Smantius (and others) of the classis of New Amsterdam (I. 49-68) has already been translated by Honorable Henry C. Murphy in 1858 and revised by Reverend John C. Fagg, of the Collegiate Church of New York, in 1896. But there is nothing, either at the head or at the foot of the letter, to indicate where the translation or original can be found. Likewise, letters from Reverend Caspar Van Zuuren, October 30, 1681, and from Reverend Rudolphus Varick, April 9, 1693, to the classis (II. 790-795, 1048-1053) lack specific references. We are to infer from a casual note that the latter has already been translated. There are, too, cases of vague or inadequate citations. For instance, there is a reference to Blackstone, p. 105, omitting volume and edition (II. 1080); and to *Patents* VII. 25 seq. and 82 seq., for the originals of the first charters to the Dutch Reformed Church in 1696 and to Trinity Church in 1697 without indicating further where they are to be found (II. 1136-1165). Finally, it is hardly sufficient to refer simply to the pages or sections of the *Council Journals* and the *Acts of Assembly*. Of the eight illustrations two are reproductions respectively of "an old manuscript," and of "an old manuscript from the Dutch Records." It would have added interest to state the particular manuscript in each case. The two volumes are tastefully bound in dark red and gold.

ARTHUR LYON CROSS.

The Administration of Dependencies. A Study of the Evolution of the Federal Empire, with special reference to American Colonial Problems. By ALPHEUS H. SNOW. (New York and London: G. P. Putnam's Sons. 1902. Pp. vii, 619.)

THE title of this book is somewhat misleading, for it does not deal with methods of administration, but with the theory of the relation of dependencies to the home government. The object of the author is to maintain the thesis that the United States together with its dependencies constitute a federal empire which is governed by the American Union as the imperial state; that the powers of the latter are not unconditional or unlimited, but dispositive and quasi-judicial; and that the clause of the Federal Constitution by which Congress is given power "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States," contains an exhaustive and well-reasoned theory of the administration of dependencies. To show that this view has always been fundamental in American politics the author adduces a vast amount of historical proof, so that his work might well be called a history of the theory respecting the relation of dependencies to the home government.

The author endeavors to prove that the idea of a federal relationship between colonies and mother-country, and the requirement of expert management in colonial affairs constituted the basis of the British system

AM. HIST. REV., VOL. VIII.—36.

during the colonial era. It was the departure from this system, in the attempt of Parliament to legislate unconditionally without any regard to the actual statehood of the colonies and without recurrence to expert advice, that drove the colonies to revolution. According to the author the logical basis of the position of the colonies throughout the negotiations preceding the struggle and throughout the struggle itself was the contention that the British imperial state refused to fulfill the duties of its quasi-judicial position, and that Parliament in attempting to exercise direct sovereignty over the colonies was negating the principle of federalism. When the Constitution was formed, the results of this experience were embodied in the clause cited above, which the author interprets as requiring that the Union should exercise its functions as "disposer of imperial affairs" through expert agencies rather than through the popularly elected legislature. In the word "dispose" the author sees, as he emphasizes again and again, the true definition of imperial power, which calls, not for legislation or command or any mere act of the will, but for expert management and careful disposition of the various relations and interests of the dependencies. This understanding of the federal relation was opposed by Calhoun and his party, as it was in their interest to treat the Union and its territories as a unitary state and to assume that the written Constitution was equally and completely applicable to all its parts, but in the *Insular Decisions* of the Supreme Court the view that there is an unwritten imperial constitution has been again recognized. On the basis of this historical argument the author concludes that the management of the affairs of dependencies should primarily be in the hands of the President, assisted by expert officials and by a council, and that Congress should confine itself to a general superintendence and should but rarely interfere by direct legislation. The "individual statehood" of the various dependencies should at all times be respected, as the policy of assimilation runs counter to our constitutional tradition.

The author's ideas respecting imperial obligations (Chap. XXVII.) are deserving of careful attention by American statesmen; and throughout the book very interesting and suggestive views as to the relations between mother-country and colonies, or imperial state and dependencies, are developed. But the historical part of the work suffers from being an argument to uphold the writer's contentions and views, statesman-like and broad-minded as the latter may be. The author uses the utmost legal acumen in drawing logical conclusions from the language employed by the many writers and speakers in the memorable struggle between England and the colonies, and from the phraseology of state documents. But it is difficult to avoid the feeling that he has very often allowed his acumen to carry him too far and that he is inclined to reason out certain conclusions from statements in which they are only possibly, not necessarily implied. The author has constructed a notable constitutional argument but his history is often rather that of the lawyer than of the historian. Still his thesis is of such importance and his views are of such interest that this book is valuable notwithstanding the fact that as history it is unconvincing.

As the author attempts to support a systematic and logical body of thought upon the diversified expressions of current political discussion, it will be well to note the character of the inferences which he is at times ready to draw. Thus on pages 154 to 158 we encounter the inference that the use of the word "needful" in the constitutional clause goes back to the expression "necessary and proper" in a book of 1765, and Stephen Hopkins is celebrated for having at the same time suggested the principles which underlie the expression "to dispose of." The author supposes Hopkins to have suggested an expert tribunal for the management of imperial affairs, whereas the extract cited simply urges some kind of representation in or before Parliament. The author often uses the words "plainly," "evidently," "obviously" in cases where he draws a specific conclusion from very general words; thus, for "plain suggestion" on page 166 it might be safer to put "possible implication." The letter of Dickinson quoted on page 181 does not necessarily imply that he was arguing specifically for expert government. In fact, the idea of expert government is emphasized by the author rather more than the historical evidence justifies. That King George in 1787 was fighting for his existence as the expert governmental agency (p. 185) is certainly new. On page 272, the resolutions of Fairfax county, in which George Washington joined, are interpreted as containing a demand for expert government, while they simply call for wisdom and moderation. The author considers Dickinson's *New Essay on the Constitutional Power of Great Britain over the Colonies in America* the most important contribution to the pre-Revolutionary discussion, as it defines the federal empire in the following words: "To be subordinately connected with England the colonies have contracted. To be subject to the general legislative authority of that kingdom, they never contracted. Such a power as may be necessary to preserve this connection she has."

From statements in the Declaration of Independence and from the general drift of opinion expressed by the colonists the author concludes that the colonies objected to the exercise of legislative power by Parliament but would willingly have submitted to acts of regulation and disposition emanating from the king as the expert part of the government. Now this insistence upon expert government is entirely an implication from general language and it is not at all made clear that the colonists distinguished technically between the expert and the popular part of the government in the sense of the author. Moreover, they certainly were not fighting the battle of royal prerogative in any form. In insisting that the king was the only link binding them to England they desired to emphasize the authority of their own local legislatures over against Parliament rather than to vindicate the power of the king. The conception of the king as "ex-officio the Disposer of the Empire, having power to finally interpret and adjudicate and execute the unwritten constitution of the Empire through an expert tribunal as his adviser" is nowhere clearly developed in the colonial literature but is based entirely upon inferences made by the author. It is difficult to believe that this was really the

final issue in the contest as perceived clearly by the minds of the colonists, though this conception of an imperial constitution administered expertly did exist in germ and was relied upon by some of the champions of the American cause.

The author's powers of logical deduction and legal interpretation culminate in a veritable *tour de force* when he comes to the detailed interpretation of the clause, "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." The word "dispose of," as the author's exposition has shown, refers to that power of expert management which the kings of Great Britain and France respectively exercised in colonial affairs. It implies judicial investigation before action, and painstaking attention to the claims of the higher moral and constitutional law of the empire. The expression "rules and regulations" is used in order to prevent the governing of dependencies through laws — mere acts of the will. "Rules and regulations" are to be "needful," that is, adapted to the special needs of the individual dependencies; this word was chosen in preference to the absolute expression "necessary and proper" as it impliedly forbids the policy of assimilation. The phrase "needful rules and regulations" steers a middle course between the paternal interference of the kings of France and the unconditional power of legislation claimed by Parliament. The use of the word "all" renders the grant of power unlimited both as to time and as to sphere of action as long as the rules established are "needful"; by using this inclusive word the Convention decided that territory might be permanently held in dependence on the Union. The expression "territory" the author, following Grotius and Barbeyrac, derives from "terreo" and defines as a region so near to a state that it may be at any time reduced to complete submission, or terrorized, by the state. The author concludes that "territory" refers to the region adjacent to the states of the Union, and hence that the term "or other property" must refer to more distant dependencies not destined to be incorporated into the Union. The word "respecting" is used rather than "concerning" because "respecting" means "concerning respectively" and thus carries out the meaning of the word "needful," which has been explained. The fact that the term "the United States" is used in this connection shows that in the Constitution it refers to the actual Union, the fully developed States, and not to the entire imperial federation. From the fact that this clause is placed after and not before the clause concerning the admission of new states the author concludes that the Convention intended to negative the idea that all dependencies without exception must be prepared for membership in the Union. The discussion is wound up by the statement that Gouverneur Morris has crowded into one short sentence a complete description of imperial powers and obligations as America claimed them to be; and that *evidently* the Convention recognized instantly that there was no room for debate or criticism — that the clause was complete and perfect in itself.

The constitutional argument here outlined will sufficiently illustrate the author's methods of interpretation. Throughout the work he treats even the most casual expressions of political opinion in the same strictly analytical manner. The danger of this method, from the historical point of view, lies in the fact that men are not actually aware of all possible logical implications of the language they employ ; and that in the interpretation of any body of opinion or discussion almost any result desired may be obtained by employing literal implications which may, however, either not have been present at all in clear consciousness or may have held a subsidiary and incidental position. We all know how easy it would be to construct entirely opposite theories from the writings of Hobbes or Rousseau by placing emphasis successively upon various possible lateral inferences. In such cases the only refuge is to compare a theory with the actual life out of which it has grown and of which it is a representative expression. This will show where the main emphasis must be placed in the historical interpretation of any development of political theory. And when we apply this test to the author's work, it is difficult to avoid the conclusion that while he has furnished a notable legal argument and a highly valuable analysis of an important part of American political thought, he has somewhat misplaced the emphasis in his interpretation of history and that he views the thought of the past rather too much from the point of our present needs of constitutional development.

PAUL S. REINSCH.

The History of South Carolina in the Revolution, 1780-1783. Volume IV. By EDWARD MCCRARY, LL.D. (New York: The Macmillan Company. 1902. Pp. 787.)

WITH this volume General McCrary brings to a conclusion his history of South Carolina during the periods of proprietary and royal government and of the Revolution. As the work has progressed the author's style has grown perceptibly freer and stronger, until in the final volume it flows onward in an ample stream. As a general political and military history of South Carolina during the first century and a quarter of its existence, this work must always rank as a standard authority. It is true that certain well-known books have been very fully and freely used as materials in its composition ; but these books contained the best that was accessible on the periods to which they related. It is also apparent that in the preparation of the volume on the period of royal government not all accessible manuscript sources were searched for information or, if they were searched, the material was not all utilized.

To students of the social and economic structure of society, to those who are interested in determining the place which South Carolina held in the British-American colonial system the work will be useful as a storehouse of material, and not because of any especially valuable opinions or views which it contains. The strictness with which the author has adhered to the annalistic form and to political and military history gives

a certain narrowness to the work. We are furnished with no picture of the social disintegration which accompanied the war of the Revolution throughout the state, though we could perhaps construct it from the details of military raids which fill nearly two volumes. But, though the plan of the author may have been somewhat narrow, he has done well what he undertook to do. The work exhibits large knowledge of the subject, united with honest and sound judgment throughout. There is evidence of abundant sectional pride in the mind of the author, but the record of South Carolina, especially in the Revolution, to a large degree justifies that. Its existence, together with General McCrady's view of the isolation of South Carolina, and the emphasis which he lays upon it, makes this one of the most intensely state histories which we have.

As was to be expected, the author devotes his last volume on the Revolution mainly to the history of the doings of the partizan bands in South Carolina and to their relations with the small regular army which was sent thither under Greene. In the studies of the famous campaign of 1781 by earlier writers Greene has been the central figure. Inasmuch as the most careful studies of that campaign have hitherto been written by biographers and admirers of Greene, that was a natural result. Both Johnson and G. W. Greene—the work of the latter, by the way, McCrady does not mention—though able writers, frankly expressed their admiration for the Rhode Island general. But in the pages of McCrady, though Greene occupies a prominent position, his is not the place of chief honor. The central place is occupied by a group, of which the most prominent figures are those of Sumter, Marion, and Pickens. They are surrounded by a number of less famous associates among the partizan leaders of the section. Greene, and with him Major Henry Lee, is the object of much criticism, though also of not a little moderate praise. Morgan, too, comes in for less praise and more criticism than has been usual in histories of the period.

According to the view of General McCrady, the partizan bands, though constantly forming and dissolving, won the decisive successes in South Carolina. So far at least as that state was concerned, the feeling of superiority among the regulars and their officers was unjustified. Greene, moreover, conceived an unwarranted prejudice against Sumter and entered almost upon an intrigue with Lee to bring about Sumter's retirement. Greene also failed to appreciate the conditions which existed in the country which he had come to defend. He had the unfortunate habit of writing long and not very tactful letters. While praising commanders to their face, he disparaged them in letters to third parties. His heart was not in the task, and after the retreat of Cornwallis toward Virginia Greene desired to follow him. Greene was defeated in every encounter in the south in which he was engaged, and he had the habit of attributing his ill success to others than himself. As the battle of Guilford Court-House and the operations which immediately preceded it do not fall within the compass of his subject, the author does not find any brilliant manœuvring of which Greene should receive the credit. The

relations which at the close of the war developed between Greene and the civil authorities of South Carolina were most unfortunate and trying for the general.

The author admits that Sumter and his associates were perhaps unduly sensitive. But the great difficulties under which their work was done — with no government to raise troops for them and furnish them with supplies — and the important results which they achieved entitled them to strong feelings of pride. General McCrady's conclusions are based on the letters of Greene, on the correspondence of Sumter, which was published in the *Charleston Year Book* of 1899, but especially on the study of the war map of South Carolina during the Revolution. To the 26 engagements which had been fought by the partizans, or state troops, in 1780 were added 62 engagements in 1781, 45 of which were fought without the aid of the Continentals. By this activity not only were the Tories held in check, but the communications of the British were cut off, serious losses were inflicted upon them, and they were at last forced back to Charleston. Though the author does not deny that the presence of the Continental army was necessary to give consistency to the American system of defense, he claims that the heavier part of the work was done by the partizans. The British were destroyed by slow attrition, the blows being mainly inflicted by the local forces.

The last volume of the work is certainly the most original of the four. The criticism of earlier views which it contains is healthy and valuable. It effectually rehabilitates Sumter and brings him out much more clearly into the light of history. It administers a check to hero-worship by presenting a remarkable picture of the sacrifices which an entire people will make in defense of their homes. But, since history affords comparatively few such spectacles, the judgment of British officers in the earlier colonial period and of Washington during the French War and the Revolution concerning the comparative value of militia and regulars will not be seriously modified.

HERBERT L. OSGOOD.

The Writings of James Madison. Edited by GAILLARD HUNT. Volume III. 1787. The Journal of the Constitutional Convention, I. (New York and London : G. P. Putnam's Sons. 1902. Pp. xxi, 471.)

MR. HUNT's third volume comprises Madison's notes of the debates in the Philadelphia Convention through July 18 ; the fourth will present the remainder, with an index to the two, which are evidently intended to be issued separately, as a work independent of the rest of the series. In one sense, these notes do not form a necessary part of Madison's writings. But on the whole we have nothing else from his pen so important as this record of what he and others said in that memorable gathering, and there is a distinct need of a new edition. Gilpin's is not now easy to procure ; the fifth volume of Elliot, unless one picks up an early issue, is obtainable only in shabby print from worn plates ; the text presented in the

Documentary History of the Constitution, though invaluable for minute researches, is hard for the ordinary student or reader to use ; and the only other edition is made up from Gilpin without conscience or scholarship, and is inappropriately entitled *Journal of the Federal Convention*. It is disquieting to see that Mr. Hunt makes use of the same title. Surely the journal of a deliberative body is one thing, and notes of its debates are another. Madison himself never confuses the two. He calls his record notes of the debates, and when he says "See the Journal" we know what he means, — the Journal proper, as printed in 1819.

Mr. Hunt's text, in excellent clear type, follows Madison's manuscript, whereas Gilpin used a copy. He avoids with skill and care the difficulties presented by Madison's interlineations and erasures, and gives us a plain and satisfactory text. He indicates the votes in the manner followed by Madison. He gives four facsimiles, two of pages of Madison's manuscript, one of the document which Charles Pinckney sent to Secretary Adams in 1818 as his draft offered to the Convention on May 29, and another of the letter with which Pinckney accompanied it. Mr. Hunt furthers the process of discrediting that document by showing that it is in a hand precisely resembling that of the letter, and written on the same paper, paper bearing the water-mark of 1797 ! The document being notoriously unauthentic and worthless, one cannot see why Mr. Hunt gives it a new lease of life and further opportunities to mislead students by printing it in his text, especially as it forms really no part of Madison's notes. One's regret at its inclusion must, I think, be increased by my discovery of large parts of the genuine Pinckney plan, set forth on a preceding page of this issue of the REVIEW.

Mr. Hunt adds greatly to the interest and value of this edition by printing in foot-notes the records of the debates made by Yates, King, and Pierce whenever they are at variance with Madison's. He also gives us Major Pierce's characterizations of the members, first printed in this journal (Vol. III., 310-334), two letters of Grayson, two of Carrington, two of Charles Pinckney, and one of Hamilton. Otherwise the notes, except Madison's own, are very few ; not more than half a dozen in the whole volume.

Though the edition is so good, and likely to be so useful, it is not improper to mention a few slight errors. It is stated on the first page of the preface that Madison, to carry out his purpose of careful reporting, "took a seat in front of the presiding officer, facing the members," etc. Nothing warrants the assertion that he sat facing the members, and it is highly improbable ; we may be sure that he would have thought it unbecoming for him to assume such a position. His own words are simply that he "chose a seat in front of the presiding member, with the other members on my right and left hands" (II. 410, of this edition). It is stated (p. xiv) that the notes of Madison, Yates, Pierce, and King are the only ones now extant. Notes by Paterson survive. Some of them are before me as I write, and will be printed in the REVIEW. Is it certain that those of Major William Jackson, the secretary, are no longer in

existence? He told John Quincy Adams in 1818 (*Memoirs*, IV. 175) that he had taken extensive minutes. In 1878 they are said to be non-existent; in 1888 we are assured that they are extant. P. xvi, for "Wingaw" read "Winyaw." It is an error to say (p. 25 n.) that Pinckney's letter of December 30, 1818, is printed in the *Documentary History*, at least in any edition known to me; and "some" should read "none" in the statement attributed to Chief Justice Nott as to the preservation of Pinckney's notes.

J. FRANKLIN JAMESON.

The Territorial Growth of the United States. By WILLIAM A. MOWRY. (New York: Silver, Burdett, and Co. 1902. Pp. 237.)

THERE are two phases to the expansion of the United States — the circumstances that have at different times created a demand for more territory, and the efforts of government to meet this demand. Dr. Mowry regards our territorial acquisitions as a series of special providences and upon this theory contents himself with the externals of negotiation without making any attempt to present the underlying causes. Even his statement of the externals is far from satisfactory. He gives no adequate account of the situation that caused the cession of Louisiana, and no account at all of the protracted negotiations resulting in the Florida treaty, not even mentioning the prior acts for occupation. In connection with Texas something is said of slavery, but nothing of the other influences that brought about annexation and caused the Mexican War. There is no reference to the internal agitation for Oregon nor to the way in which Oregon was used to offset Texas. Even Alaska did not come wholly out of a clear sky, but in continuation of negotiations, which are not mentioned, that began in 1854, were resumed in 1859, and interrupted by the Civil War. There is no suggestion of American connection with the Hawaiian Revolution of 1893, and the Philippines were "thrust upon us" unsought. From this it follows that the book fails to tell the true story of the territorial growth of the United States. On the one hand, it omits entirely the reckless disregard of the rights of others that has characterized our national expansion and, on the other, it gives no glimpse of the restless energy of the American people to which that expansion is due. The materials are drawn from secondary sources, chiefly from Lyman's *Diplomacy of the United States*, Marbois's *Louisiana*, and Greenhow's *Oregon*. The style of the book is entertaining and its typographical appearance attractive, which make it the more to be regretted that the subject-matter is superficial.

There are some errors of detail. We find the familiar misstatement that the first Virginia charter granted to the London and Plymouth Companies *all* the territory between the thirty-fourth and forty-fifth parallels instead of a statement that to each was granted a tract one hundred miles square, to be located within the limits designated. A reference to Mitchell's Map copies a misprint in Lyman that misspells the name. Ly-

man's unsupported statement that Jefferson was unofficially notified in 1802 of Napoleon's willingness to sell Louisiana is accepted, although at variance with the story of Napoleon's sudden decision in the following year, which is quoted from Marbois. Much is made of Captain Shelvocke's supposed discovery of gold in California in 1720, but it does not appear that Captain Shelvocke touched only the extreme southern point of Lower California and never saw any part of the territory acquired by the United States. The so-called "flathead delegation" is assigned to 1832, although recent discussion has shown that it took place the preceding year. Whitman's ride is mentioned very briefly, but without indicating any modification of the author's opinions in regard to it. It is hardly accurate to say that our government claimed that Bering Sea was a *mare clausum*. The House resolution, quoted in construction of the Monroe doctrine, should be dated 1826 instead of 1825. It is at least open to question whether this resolution may fairly be said to have been adopted. It was passed by a close vote as an amendment to a resolution affirming the expediency of the Panama mission, and then the resolution as amended was overwhelmingly defeated.

F. H. H.

Mallet du Pan and the French Revolution. By BERNARD MALLET. (London, New York, and Bombay: Longmans, Green, and Co. 1902. Pp. xx, 368.)

BARTHÉLEMY, the diplomatic representative of the convention at Berne, reported to his superiors in 1794 his opinion of Mallet du Pan in these words: "On ne peut se dissimuler que ce Genevois est une vraie mèche d'enfer pour notre pays." Over against this republican opinion may be placed the words spoken at this time by the future Louis XVIII., who was living at Verona as the titular regent of France: "Ce diable d'homme qu'on ne pouvait parvenir à faire taire." These two significant phrases show that the Terrorists whom Mallet bitterly denounced and the Royalists whom he tried faithfully to serve held practically the same opinion of the able Genevan observer and writer who sought to save France from the absurdities of the old tyranny of monarchy without delivering her over to the excesses of a new tyranny of democracy. Between the extremes of reaction and of revolution many may have halted in the trying years following 1789, content to say with Sieyès, "J' ai vécu"; but only a few keener and bolder than their fellows dared to take a decided stand upon middle ground, so that Mallet du Pan found himself a member of no party, but of a small coterie of brilliant men who were masters of the science of politics but knew little of the art. The judgments which will be passed upon this book will differ but little from those passed upon the author's great-grandfather more than a century since. The royalist and the clerical will join with the admirer of the Revolution in condemning this book, which represents the views of the small and unpopular minority who can find little on either side in the French Revolution to admire and are so rash as to speak out their opinions.

Mallet: Mallet du Pan and the French Revolution 563

The book is of course the product of family pride and not of disinterested scholarship, but, as is rarely the case with such productions, the work is the scholarly production of a trained historian, a man who has had excellent opportunity for political observation. Mr. Bernard Mallet, the eldest son of the friend and disciple of Cobden, Sir Lewis Mallet, was a Balliol man and took a first in history in 1882, since which time he has held various government clerkships. Twice he was private secretary to the first lord of the treasury, Mr. Arthur Balfour, a position he resigned in 1897 to become commissioner of inland revenue. With this training and this experience, Mr. Mallet set himself the task of introducing his eighteenth-century ancestor to twentieth-century Englishmen, few of whom have ever heard of the *Mercure Britannique* or of its able editor. The author is, however, in error when he flatters himself that "in England nothing whatever has been published about Mallet du Pan except two articles in the *Edinburgh Review*," for the excellent *Mémoires et Correspondance de Mallet du Pan*, published by M. Sayous in Paris in 1851, was translated into English and published in London in the following year. M. Sayous had access to the family papers upon which the present author has drawn freely, and had the assistance of Mallet du Pan's son, John Lewis Mallet of the English civil service. His work is of course long out of print, and in two places has been greatly supplemented by two important publications of recent date, so that there remains abundant justification for this new volume. The new works alluded to are *Correspondance Inédite de Mallet du Pan avec la Cour de Vienne, 1794-1798*, edited by André Michel with a preface by M. Taine, and *La Révolution Française Vue de l'Étranger*, by François Descostes (Tours, 1897). Aside from this one slip in bibliography there is little to criticize in the book, for the author has done his part well. A little more detail and precision in the bibliography would have been helpful, and the index is not complete, for one fails to find in the index four names of considerable importance mentioned on p. 149, one of which should be spelled Cobenzl instead of Cobenzel. A more serious misprint occurs in the first foot-note on p. 186, where the date of the treaty of Basle with Prussia should be 1795 instead of 1791. Paper, type, and binding are all in excellent taste.

Students of the French Revolution, especially in England and America, will be very grateful to Mr. Mallet for this life of his ancestor and for the presentation in such able manner of the views of the constitutional monarchists of 1789, which have hitherto received less attention than they deserve, largely because they never produced any practical results in determining the course of the Revolution. These men themselves believed, for a moment, that they could save France, and many since their day have surmised that had their political sagacity been coupled with ability as politicians and statesmen France might have won for herself and for Europe all of the advantages of the Revolution without the terrible cost in blood and treasure. Though the abilities of Mallet, of Malouet, of Mounier, and even of Mirabeau, who had so much poten-

tially and so little practically in common with these men of 1789, were not fully understood and valued in their own day, the lapse of a century has enabled some better to comprehend their worth and has made their acts, speeches, and writings of the greatest value for the study of the beginnings of the Revolution. M. Taine in his famous work on the Revolution speaks of Mallet du Pan as the "most competent, the most judicious, the most profound observer of the Revolution," and in the introduction to the Vienna correspondence says, "Four observers understood from the beginning the character and bearing of the French Revolution, Rivarol, Malouet, Gouverneur Morris, and Mallet du Pan, the last named more profoundly than the rest." In this latter article Taine likens Mallet to a consulting physician who diagnoses the case correctly from the outset and then watches its progress and chronicles with scientific precision each stage in the development of the disease. No one, not even Morris, was better trained for such impartial observations. Mallet was by birth a republican, an aristocrat, and a Protestant, being a citizen of Geneva. To this birthright he added several years of excellent training received through constant intercourse with Voltaire at Ferney. The ideas of Montesquieu early appealed to him more than did those of the other great thinkers of eighteenth-century France; and his residence in Germany, England, and France in later years made him, like Montesquieu, a strong admirer of English institutions. The important period of his life began in 1783, when he accepted the invitation of the publisher Panckoucke and moved to Paris to assume the duties of political editor of the *Mercure de France*, the most important French journal of the time. His articles, always brilliant, became after the cessation of the censorship in 1789 the most enlightening comments upon passing events both in France and in the other countries of Europe. Camille Desmoulins's significant pun "Mallet pendu" indicates the popular opinion of Mallet's journalism and tells why he abandoned the *Mercure* and took refuge beyond the frontier in the spring of 1792. The next six years were spent as a secret agent of Louis XVI., and later as the confidential adviser of the Bourbon princes, of the émigrés, and of the allies, notably the Emperor, England, and Portugal. The successes of Bonaparte made even the continent unsafe for Mallet, and in 1798 he moved his family to England, where he sought to support them by the publication of the *Mercure Britannique*, which he continued until a few weeks before his death on May 10, 1800. During all these seventeen years Mallet was dependent upon the pay from his journalism, from the émigrés, or from the allies, but his judgment was never influenced by the fact, and he always spoke his opinions with the utmost frankness. Mallet took the greatest pains to organize a personal secret service and a system of correspondence which kept him thoroughly acquainted with events in all parts of France and in other parts of Europe, so that he was the best-informed man on the events that were passing. Thus, being a trained observer, he was best able to give sound, though seldom acceptable, advice to those whom he sought to serve. Mallet's political principles

might be reduced to two, order and liberty. He might well have said with Mirabeau, "I desire order but not the old order," and with Burke, "The only liberty I mean is the liberty connected with order."

Perhaps the most extraordinary instance of Mallet du Pan's political insight is contained in the following lines written in 1781 before the battle of Yorktown:

"Independent or not the United States will emerge from this disastrous war with the hope of profit from it. Their commerce will be free, sooner or later it will embrace the fisheries of all their shores and of the new world and the trade in furs, it will reach to the Antilles, to the Spanish possessions, and even to the East Indies; a line of communication will be theirs which no European fleet will be able to cut. Nature which has placed the insurgent States in the midst of the Atlantic has so ordered it; and the moment has arrived when our continent will be forced to admit it."

GEORGE M. DUTCHER.

The Life of Napoleon I. By JOHN HOLLAND ROSE, M.A. (New York: The Macmillan Company. 1901. Two volumes, pp. xvii, 471; viii, 547.)

We have delayed our notice of this important book for several reasons. In the first place, it is long and the style is difficult; in the second place, it puts forth an important claim as being the first life of Napoleon to include new materials from the British official records; in the third place, it is the first effort of a British historian at impartiality and self-control in describing the heroic age of modern English history. For these reasons the two stout volumes demand respectful and deliberate examination, and this the reviewer has endeavored to bestow.

The general impression left upon the intelligent reader will probably be one of some weariness, but it will be the weariness of one who has accomplished a good work. Such erudition, such accumulation and orderly arrangement of detail, such marshaling of fact and authority, such patient examination of every source; all alike testify to Mr. Rose's indefatigable industry and unwearied research. It is safe to say that nothing of value either in the published literature of his subject or in the papers of the London Record Office has escaped him. On the other hand, we are all familiar with the conscientious, laborious, and sometimes invigorating "constitutional" which sedentary men force themselves to take for health. The "constitutional" leads no whither, is a duty to be done and not a pleasure to be enjoyed, strengthens but does not stimulate. The blood does not course freer, the heart beat higher, or the brain devise bright thoughts because of the "constitutional." And we fear that both the reader and the student will lay down these volumes with a sense of wonder that one so learned as the writer could exhibit so little of interest, curiosity, or mastery in discussing the ultimate problems and settling the questions which throng in a life the most brilliant, the most fascinating, and the most productive of weighty consequence among all that have been lived in the nineteenth century. When the author compares Na-

poleon to a python grasping its native rock by the tail in order to hurl its folds whithersoever it may be attacked, we are amazed at a rhetoric and grammar as faulty as the science in the metaphor, but we seem to see the lion by his claw, the somewhat bewildered scholar as uncertain and confused by the dimensions of his task as the masterful but equally uncertain serpent of his comparison. That this is not a solitary indication is shown by the truly British interrogation in praise of Napoleon's charm, "Or if he had gone to the United States, who would have competed with him for the Presidency?"

Fortunately the somewhat turgid rhetoric, of which choice samples might be culled in almost every chapter, seems characteristic of what we may term Mr. Rose's philosophy of Napoleon; his scientific quality is far different from his philosophic. The reader must set aside the rather yeasty general impression of which we have been speaking, and turn to the details of discussion, especially on disputed points. Important as are several of Mr. Rose's novelties, some of them are interwoven with his narrative as a whole and may not be selected for brief examination. Others, however, are fairly complete in themselves. We especially commend to the student the evidence collected from the Record Office that the British government was really privy to substantially all the European complots of the era, in the petty courts of central Europe as well as in the great capitals and in France itself. It is passing strange that our author finds no perfervid language to condemn the cold-blooded conspiracy for the murder of Napoleon in which Cadondal had the backing of English agents. This was not one of the "flaccid eccentricities" to which he refers in his preface, but, as he admits, "one of the most heinous of crimes." Yet such a master of trope and verbiage contents himself with this simple language: surely his admission of what has always been suspected does not avoid the moral effect of his confession of a national crime. Perhaps, however, the effect is the stronger for a simplicity of expression; it certainly would be but for the plaintive excuse "they were all doing it." There is a different tone, we remark, when he sits in judgment upon Napoleon for the execution of the Duc d'Englien, and a tone, we think, which rings with truer indignation. After all, the attempted assassination of Napoleon without even the form of law was an atrocity quite worthy of an age which abounded in atrocious deeds of every degree, but it was also a shocking disgrace to a nation which has boasted its piety and morality as its justification for inaugurating and conducting the Napoleonic wars. Upon the famous question, now become almost academic, as to whether Napoleon was serious in his purpose to invade England or not, we find that no new light is shed and the author manfully acknowledges his indecision. With this we are not content. There is a judicial element in the writing of history, shirk the responsibility as we may. A collection of monographs presenting the case for judgment, even when written by one writer, is not history; an opinion and a sentence calmly and wisely presented are demanded by both students and readers. Mr. Rose says in one paragraph that had all Napoleon's com-

plex dispositions in the northern ports worked smoothly he would certainly have made a dash at London, but that; awaiting only an excuse to avoid the enterprise, he found that excuse in Villeneuve's retreat to Cadiz and wheeled his legions eastward to prosecute the alluring alternative of continental conquest. It is certain that Napoleon always had two possibilities in preparation, but it is equally certain that of the two in this case that for the invasion of England was poorly studied, destitute of expert support, fantastic in its theatrical quality, and devoid of the Napoleonic characteristics, while the possibility actually adopted was thoroughly and minutely studied, had every mark of a solid purpose with firm reality, and was triumphantly executed. What seems to us conclusive, however, is the fact that the invasion of England was the secular and ever effective pretext of every successive French government to arouse French patriotism, open the French purse, and evade criticism of internal affairs. Napoleon was using the old device on his own scale: simultaneously he was busy behind the screen working out two stupendous problems, the subjugation of France for himself, and the subjugation of continental Europe for France. We believe it to be the most salient weakness in Napoleon's character that he utterly failed to apprehend the value of sea power. Visions of its bearing on imperialism he got occasionally, but his first concern was land power, the one weapon of which he was a consummate master. Certainly there are many indications that at this very moment he would gladly have considered (as a year earlier he had openly suggested) a partition of world-empire between himself and Great Britain, with the latter as overlord of the seas. Spurned by the western power, he turned later to propose something similar to Russia.

This brings us to consider Mr. Rose's treatment of the renewal of war by England and the rupture of the treaty made at Amiens. We choose this inverse order because it is easier sometimes to reason backward chronologically than to anticipate. When Napoleon suggested to the English ambassador the division of world-empire with Great Britain, he was playing the game of world-politics strictly according to British rules. Neither of the gamesters felt the slightest respect for international law, and the English ministry was entirely complacent about every move of its antagonist as long as the principle of compensations was admitted and practised. But when it was seen that Napoleon's interventions contemplated a permanent seat of French power in Holland, and his compensations were not inclusive of a British garrison at the Cape of Good Hope or of a British occupation of Malta, England regretted her renunciation of interest on the continent and appealed to international law. The Whigs eagerly seized on any pretext for a blow at their party opponents, and the cleavage of public opinion in Great Britain gave the ministry some anxiety. Addington therefore grew suddenly bellicose, and the instructions given by him to a new ambassador selected to beard and infuriate Napoleon are as calm, specious, and clear as if written under the inspiration of our present-day tribunal at The Hague. Simultaneously, however, the cabinet began preparations for war and laid down an ulti-

matum. The sport of diplomacy was much to the First Consul's liking and on Lord Whitworth's arrival he pursued it with zest. But when the situation grew strained and war became probable the First Consul hesitated. The treaty of Amiens had been negotiated by able men, and he had observed its letter with no genuine remonstrance from the other party. It is aside from the question to instance the conduct of Russia, Prussia, and Spain in regard to the treaty as nullifying its provisions. The treaty was nullified by the British retention of Malta, and this was admitted when Whitworth was instructed to suggest an equivalent. We think it true that Napoleon cherished oriental designs, while his brothers hoped for the retention of Louisiana in the west. Why not? There was ample highway space along the Mediterranean for both England and France, and ample room for both in Asia. But there was no equivalent to Malta: it must be neutral or in joint occupation. Napoleon's colonial plans were superb, as grandiose as those of Great Britain. To realize them he needed peace for extensive preparation, and an agreement with England. His antagonist would permit neither, and in spite of one *hesitating concession after another* — the transfer of Malta to Russia, an English tenure of the island for two or three years, Otranto in exchange for Malta — Whitworth played his part to the end, and England declared war. Perhaps at this late day we may not blame any one nation for distrust of another, but this is quite as applicable to Napoleonic France as to Georgian England. If Napoleon did not seriously contemplate invading England even in 1804, he surely had desired to win her, as far as consonant with his own advantage, throughout the peace period subsequent to the treaty of Amiens; the responsibility for the breach of that treaty must rest with the nation which, not content with a share, desired the entire control of the sea.

Certain other instances of the same kind can easily be found, even by the casual reader. Our author feels sure it was impossible to have found for Napoleon a "less unpleasant place of detention" than St. Helena, and in the final chapter there is a justification of Sir Hudson Lowe which is almost a eulogium. Yet it is a thankless task to pursue a subject already set forth, we think, with sufficient emphasis. Clearly Mr. Rose with his ostentatious frankness has thought to disarm criticism and excuse anew the blameworthy sides of English politics in the early nineteenth century. Nowhere does he avow his party sympathies, but the Whigs of his period would have had little patience with his Tory apologia as set forth in these volumes.

The other side of our task is entirely pleasant. For finished workmanship we have only to mention the treatment of Toulon, where full justice is done to both sides and to all persons, the discussion of the events known as the "day of the Sections," the claims of Augereau to have rescued the first Italian campaign from disaster, and other topics, of which, should we mention all, the list would not be short. In every matter where patriotism is not a controlling force Mr. Rose is thoroughly equipped and entirely reliable: he holds the balance freely, as between

the continental powers, though his treatment of Austria in the matter of Napoleon's second marriage does not adequately deal with the baseness of both Francis and his daughter. We note his conclusion that the real turn of Napoleon's fortunes was during the first Saxon campaign, wherein the armistice of Poischwitz proved fatal to ultimate military success. The point is well made and the proof is conclusive.

Finally, it is noteworthy that a writer who is not a military specialist has known how to thread his way firmly and skilfully through the mazes of Napoleon's strategy and tactics. For the intelligent reader there is ample discussion of all the great events which were the basis of the Emperor's strength. There is a fine exclusion of unnecessary detail, and a concise statement of important outline. We venture to think that the campaigns of Marengo and Waterloo are both delineated with magisterial power. It may be objected that there is an absence of imaginative and thrilling description in Mr. Rose's battle scenes, and a consequent lack of the effect which is alone the ideal truth of literature. These volumes make no claim, we must repeat, to high literary quality. They are something quite different, the careful work of an erudite scholar and investigator, marked in the statement of facts by an exaggerated simplicity and calm. The quelling rhetoric is reserved to bring out here and there at intervals the pent up emotions of the author, which are often those of a gallant but rather desperate knight coping with a task almost superhuman in its dimensions. No wonder. It is exactly this attitude of mind which is Mr. Rose's greatest strength.

A History of the Peninsular War. By CHARLES OMAN. Vol. I.

From the Treaty of Fontainebleau to the Battle of Corunna.
(Oxford: Clarendon Press. 1902. Pp. xvi, 656.)

Les Guerres d'Espagne sous Napoléon. Par E. GUILLON. (Paris: Plon-Nourrit et Cie. 1902. Pp. v, 364.)

IN reviewing Napoleon's wonderful work as a captain we find the war in the Iberian peninsula from 1808 to 1813, while less important because the Emperor was there for but a brief period, yet by no means the least interesting. To Anglo-Saxons it is ever memorable as being the field where our cousins of the British army had almost the only chance to display their courage and constancy; for it was at sea that Great Britain dealt her heaviest blows at Napoleon, as it was by her subsidies that she most heartily contested his continental system. Except as a drain of men at a period when France could no longer stand the drain (and the Peninsular War cost France three hundred thousand men), Spain had less influence than any other extended field in the grand total of land operations. But it was the theater where the second of England's great soldiers, Wellington, played his part; and though a proper perspective makes Spain but one scene in the vast Napoleonic drama, yet the conflict loses not its military nor its human interest; and to all English-speaking peoples it is a tale which may always be twice

AM. HIST. REV., VOL. VIII.—37.

told. Perhaps no war has ever brought out more monographs and fewer histories. From general to sergeant, every rank has had its say, in Spanish, French, Portuguese, and English. But, excepting alone the monumental work of Napier, there has yet to be written a satisfactory history of the entire Iberian struggle.

We have before us two volumes, one from a French standpoint, the other from the English. Beginning with the less ambitious, for Professor Oman's volume is but the first of several, Professor Guillon proposes to himself to make a *croquis* of the Peninsular campaign which shall assemble all the facts relating thereto, and only these, so that a French reader shall not have to turn to memoirs, general histories of Napoleon's wars, or histories written by a foreign pen. "To replace these wars in the particular and natural frame, to narrate them in a manner clear, rapid, and summary, without technical pretension nor theory, to retrace their vicissitudes, and to render if possible their color, I have thought this work might be useful." The idea came to him in Spain, and he preceded his work by a pilgrimage to the principal battle-fields.

The author has done what he proposed, but the book is scarcely a history of the Peninsular Wars in the sense that Napier wrote it sixty years ago and that Oman is writing it to-day. It is a sketch only, for in the compass of 350 small pages no one can give more than a syllabus of the marches and countermarches, the toils and dangers, the skirmishes and battles of the dozen armies of French, Spanish, Portuguese, and English, not to mention the thousands of guerrilla bands which by their small-war made the task of the French so much the harder.

Guillon's book is fair. Though writing from the French standpoint, he does not underrate the value or deeds of the defenders of the peninsula, but he devotes much space to explaining why the French failed. He loads most of the blame upon the Emperor, who, indeed, by retaining personal control of matters at such a distance, by diverting Spanish revenues to the French army budget, and by unwise interference in many quarters certainly deserves much of it. To any one who desires a well-framed sketch the book is to be commended; though, as it has no maps, the average reader would be often at a loss to understand all the author says. And many of the marches and the battles are crowded for lack of space into too small a compass to keep the narrative perfectly balanced. With maps and an additional hundred pages to fill these gaps, the volume would be a valuable one for the busy man of to-day.

When we come to Oman's work, we at once find a larger purpose and a work gauged on a broad historical scale in which, without prolixity, space is a secondary matter. The author has been at work a dozen years or more in collating the subject-matter, and has been much aided by the legacy to All Souls of the papers of Sir Charles Vaughan, a sort of a diplomatic "chiel' amang ye takin' notes," who saw much of Spain during the war. He has projected a work which will reach several imposing volumes, and has spared himself no pains nor labor in searching for facts. The detailed manner, for instance, in which he has worked up the num-

bers of the armies in the period covered is beyond praise. Few authors are willing to take so much trouble, especially as, after all labor spent, the attrition of accident or stress of service may much alter the sum-totals obtained at a date a few days previous. Moreover, a variation of ten or fifteen per cent. in numbers engaged is rarely the cause of victory or defeat.

Professor Oman is an honest Briton and, unlike Lord Roseberry, is writing of a period in which Napoleon was exacerbating to the British sense. While yielding his meed of admiration to Napoleon the soldier, he cordially hates Napoleon the statesman, and now and again in good blunt Saxon monosyllables berates him for his manifold political trespasses. No doubt Napoleon deserved all this, but in that day and generation few statesmen were beyond severe stricture. It was diamond cut diamond, nor was any diamond steel-blue. Diplomacy has always been the art of deceiving; it was more so then than now, we hope. And when we consider that Napoleon had substantially all Europe arrayed against him; that, while his ways were devious, he was working out a problem useful to France and Europe; and that he had to keep his wits sharpened to the keenest point; did he in reality average any worse than the rest of the diplomatic world?

Upon the intricate political history of the Peninsular War Oman enters at length and throws the light of clear statement. In many points he sets Napier right where this author has erred from lack of facts to-day obtainable, or corrects him when, as Oman thinks, he errs from an undue leaning towards the Emperor. The military side is treated with equal detail. The descriptions of the country and topography remain in mind. Strategy and tactics have no terrors for this author, as since Jomini's day no profession monopolizes military history. Nor is he new at such a task; and his style is frank and easy, and fixes the attention. While the reader now and then disagrees with some statement, yet Oman's frank positiveness disarms him. The value of the opposing forces is well gauged; and there is so much detail in describing the manœuvres and battles that the work will have peculiar interest to the Englishman who has a hereditary love of regimental exploits and individual prowess.

As this first volume covers only the period from the treaty of Fontainebleau, towards the end of 1807, to Moore's battle of Corunna, in the beginning of 1809, it is not possible to estimate the work as a whole; but if, as is probable, the author is able to carry it through on the scale he and his publishers have begun, it will go far to be more read than Napier—whose admirable work will nevertheless always remain a classic.

THEODORE AYRAULT DODGE.

A Fighting Frigate and Other Essays and Addresses. By HENRY CABOT LODGE. (New York: Charles Scribner's Sons. 1902. Pp. 316.)

EXCEPT for a single essay upon Russia of the present, all of the papers in this attractive volume may be regarded as historical. One is an essay upon "The Treaty-making Powers of the Senate"; the other nine are

addresses delivered upon various occasions during the past six years. It is then as a collection of historical addresses that the volume must be judged. From the purely literary standpoint the book deserves unqualified and unstinted praise. It is a capital illustration of how history may be made attractive and all the more noteworthy because it employs successfully a literary form not much utilized by real historical scholars and one often looked upon by them with distrust or even contempt.

Three of the addresses were delivered in eulogy of recently deceased Massachusetts governors with whom the author was on terms of close intimacy. As personal tributes these eulogies are the materials for history rather than history itself. But they are something more than that, for they contain graphic descriptions of the historical forces that helped to shape the characters of these men. At the same time events of the recent past are considered from the historical as well as from the personal standpoint. The addresses upon "A Fighting Frigate (the *Constitution*)," "Daniel Webster," and "Rochambeau" have the value that belongs to the whole volume, but do not make any attempt to add to our knowledge and so do not call for further notice. Those upon "The Treaty-Making Powers of the Senate" and "Oliver Ellsworth," however, demand particular attention, for each contains the results of careful research in the sources and makes a notable addition to knowledge. That upon "John Marshall" also merits attention because it reveals so much of the author's general historical standpoint.

In the article on the Senate the author seeks to establish two contentions: first, that the Senate is not restricted to the mere ratification of treaties, but has coördinate power with the executive at every stage, even in their negotiation; second, that the right of the Senate to amend treaties is indubitable. The latter point is clearly demonstrated from the practice of the Senate. A valuable list of 68 treaties that the Senate has amended and then ratified is given on pp. 253-254. The argument for the first point is strong and the conclusion reached is doubtless perfectly correct, but the method of the demonstration is not impeccable. For the contemporary interpretation of the treaty-making clause in the Federal Constitution, resort is had to the debates of the Federal Convention exclusively. The debates of the state conventions that ratified the Constitution furnish the more authoritative interpretation of its provisions. Use should have been made of these debates for the additional reason that the passages in them bearing upon the subject, though few in number, support the author's contention.

The address upon "Ellsworth" is a painstaking biographical study designed to raise him from the class of forgotten worthies. Particular attention is called to his services in the Federal Convention in securing the adoption of the plan for the formation of the Senate, to his influence in the Senate in the formulation of its practices and precedents, and to the negotiation of the French treaty of 1800. In connection with the first of these an appendix contains an interesting letter from Senator Hoar, in which it is claimed that the major share of the credit belongs

to Roger Sherman. The argument is carefully drawn and shows that Sherman was the most active in behalf of the state-equality plan.

In the address upon "Marshall" the author exhibits most strikingly the strength and weakness of his conception of history. He gives free rein to his personal sympathies; in consequence he is always the Federalist historian. This probably enables him to explain Federalist ideas, policies, and the invaluable services of Hamilton, Marshall, and other Federalist leaders in a more effective fashion than would be obtained from the use of a more scientific method. On the other hand, it prevents him from doing justice to the ideas and policies for which Jefferson, Madison, and Gallatin stood. The author's accuracy and fair-mindedness prevent misstatements of fact; his partizanship is that of tone, emphasis, and implication; but it is after all partizanship, not history.

FRANK MALOY ANDERSON.

Letters of Dorothea, Princess Lieven, during her Residence in London, 1812-1834. Translated and edited by LIONEL G. ROBINSON. (New York: Longmans, Green, and Company. 1902. Pp. xx, 414.)

THE letters of Dorothea, Princess Lieven, written from London while ambassadress at the British court, should have more than one claim to the interest of the historian. While covering a period of great interest and written with a full and intimate knowledge of events and people of the utmost importance, they are first of all valuable because of the personality of the writer. This charming and forceful woman was the daughter of General Benckendorff and his German wife, the latter a lifetime close friend of the Princess Maria of Württemberg, afterwards the wife of Paul I. of Russia. Upon the mother's death the four small children were bequeathed to the care of the Empress, whose charge they immediately became. Brought up in the Russian court, under the supervision of the Empress, who was scrupulously conscientious in the discharge of her duty, Dorothea absorbed and developed a patriotism for country and a loyalty to the Emperor which in the mature woman amounted to a ruling passion. In 1800, when but fifteen years old, she was married to Count de Lieven, who was then a lieutenant-colonel in the Russian army, but who soon entered diplomatic life, and in 1809 became Russian envoy at the Prussian court. When in 1812 Lieven was appointed ambassador to London, his young and charming wife was but twenty-six, though already distinguished as an exceptionally able and clever woman, whose influence as a diplomatist was credited with being quite as effective, though indirectly exerted, as that of the official representative. Other letters, already published, attest her intimate knowledge of the times and give evidence of close personal intercourse and confidential correspondence with Lord Grey, Palmerston, and Wellington, while her correspondence with Metternich indicates a reciprocal interest which was not always concerned with the diplomatic or political side of life.

The present letters, written to her brother, Count Benckendorff, contain, for the first thirteen years of London residence, little else than current London gossip or matters of family interest. In 1825, however, simultaneously with the advancement of Count Benckendorff to the position of Chief of the Third Division, involving a daily conference with the Czar, the character of the correspondence shows a striking change and exhibits a curious mixture; in it Princess Lieven provides a semi-journalistic side-light on men and events in England, emphasizes her own and her husband's intimate connection with and their hold upon English ministers, indulges in abject and fulsome flattery of the person and abilities of the Czar, and indirectly, yet unquestionably, manages to create the impression that her own indirect diplomacy is often of greater moment in forwarding Russian interests than are the more formal efforts of her husband. In short, Madame de Lieven unconsciously reveals herself as an intelligent, active, and charming woman, with much liking for and cleverness in intrigue, and also as ambitious for personal distinction. It is to be noted also that these letters were being regularly communicated, with the writer's knowledge, to Count Nesselrode, the Russian foreign minister.

Aside, however, from the delineation of Madame de Lieven's own character there is little of new historical interest. The letters are attractive in form, but neither add information as to the workings of Russian diplomacy nor offer any convincing characterizations of English politicians. In the first case Madame de Lieven, with all her originality, was never bold enough to offer an opinion on projects initiated at Petersburg, in other than flattering terms. She poses, in fact, as a devout believer in the omniscience of the Petersburg government, so that her comments on current international questions are devoid of color and of novelty. The same devotion to Russian interests, when applied to events in England, renders her opinions in that field also of little value, although here she was quite free to speak her mind. Everything is examined and criticized from the point of view of Russian interest. Canning is at first, from 1815 to 1820, imbued with "Jacobinism" and with revolutionary ideas and is a dangerous man, but suddenly in 1827 he becomes in every way admirable. Wellington is at one time the faithful friend, then, after Canning's death, a miserable traitor; moreover, he is the strong minister sure to hold his own, or an inefficient, sure to fall, according as Madame de Lieven sees in him a friend or a foe of Russian policy. Of purely English questions and events she has perhaps a clearer conception, but these are but hurriedly noted, as having no direct bearing on diplomacy.

In effect, then, Madame de Lieven's own personality and the conditions under which she wrote largely destroy in this volume the value of her comments. Her letters give evidence also that the active meddling with which she was credited by contemporaries did have existence in fact. She was unquestionably on very intimate terms with many notable men, but that she actually moulded their political acts is exceedingly

doubtful. For example, statements made to her by Palmerston or by Grey in familiar conversation are reported in her letters as positively to be depended upon, and as foreshadowing some decided change in English diplomacy. When the events belie the prophecy, Palmerston becomes an ingrate and Grey an imbecile, but her own gullibility is lost sight of. She seems rather to have been used by English ministers than to have used them. If then the present volume has any especial value as an addition to historical knowledge, it is that it renders possible a more exact estimate of Madame de Lieven herself. Yet every page offers entertaining and pleasant reading, while the careful work of the editor and translator, Mr. Robinson, has supplied excellent explanatory notes for otherwise blind references.

E. D. ADAMS.

Il Generale Carlo Filangieri, Principe di Satriano e Duca di Taormina. Per TERESA FILANGIERI FIESCHI RAVASCHIERI. (Milan: Fratelli Treves. 1902. Pp. 371.)

DURING the forty-two years which have elapsed since the fall of the Neapolitan Bourbons no work has appeared relating to the history of the kingdom of the Two Sicilies in the nineteenth century, or to any episode or period in it, which may be termed the product of wide research directed by relative impartiality — one work only excepted, Raffaele De Cesare's *La Fine di un Regno* (Città di Castello, 1900, 2 vols.). The importance of the second and greatly amplified edition of this work, as De Cesare himself states in his dedication to the Duchessa Teresa Ravaschieri, lies in the results of his extensive researches in the Archivio Filangieri, preserved in the Museo Civico Gaetano Filangieri of Naples. The principal feature of this museum is the collection of papers, books, relics, etc., left by Generale Carlo Filangieri, who for half a century was one of the chief figures in the political life of the Two Sicilies. De Cesare has made extensive and intelligent use of this material so far as it relates to the years 1848–1860, the period covered by his work, but the material upon earlier years has remained untouched. It is with the purpose of editing much of this earlier material, of editing more fully that of 1848–1860, and of thus honoring the memory of Carlo Filangieri, that his daughter, the Duchessa Ravaschieri, has published the present volume of biography.

During the long period of his public activity Filangieri preserved carefully a wealth of documents which concerned him, and wrote from time to time extended autobiographical *Ricordi*, or memoirs. The documents, for the most part inedited, are quoted freely and at length throughout la Ravaschieri's biography, while long extracts from the memoirs form almost the entire contents of many chapters, and it is in these documents and in the testimony that Filangieri himself offers in his narrative upon all the events in which he participated that the importance of this volume lies. Filangieri was a man of modern spirit and ideas, but a warm supporter of the autonomy of the Two Sicilies, and therefore opposed to Italian unity. Sincerely devoted to Murat, he was also faithful to the

Bourbons, the errors of whose government he clearly appreciated and repeatedly attempted to correct, always without avail. Upon the revolution of 1820-21, of which he cordially disapproved, he bears important but not always unbiased testimony; his picture of the deplorable disorganization and insubordination of the Neapolitan army of defense, in which he commanded one of the four corps, is the most graphic and important that has been drawn, while the documents given relative to his own dismissal from the army at the restoration of Ferdinando I. in 1821 are of the first importance as evidence upon Bourbon methods of government. Of the government of Ferdinando II. at his accession and of the conditions of the country at that time he gives an impartial account of great interest. In the chapters relative to his own suppression of the Sicilian revolution in 1848-1849, his subsequent government of the island as lieutenant down to 1855, and the diplomatic and political confusion in Naples in 1859, in the midst of which, as president of the council of ministers, he strove honestly to sustain the tottering monarchy, Filangieri, although writing with considerable personal bias, reveals new facts which rectify many erroneous judgments. As evidence upon the incompetence of Bourbon statesmanship and the inadequacy of its antiquated system of government to satisfy modern requirements, these later chapters furnish irrefutable proof of logical development in the events of southern Italy in 1860, and explain clearly how it was possible for Garibaldi with one thousand men to overthrow a kingdom of twelve million inhabitants, which counted one hundred and twenty-six years of national existence.

The portion of the volume that la Ravaschieri herself wrote is marred by an excessive display of filial sentimentality and, being made up largely of eulogy and apology, leaves much to be desired in critical judgment.

HARRY NELSON GAY.

Die Ermordung Pauls und die Thronbesteigung Nikolaus I. Von THEODOR SCHIEMANN. (Berlin: Georg Reimer. 1902. Pp. xxiv, 420.)

As there are a good many subjects in modern Russian history that cannot be freely discussed in the country where the events themselves took place, we often have to fall back on foreign sources for supplementary information. Thus in recent years there have appeared several works about the unfortunate emperor Paul I. The anonymous *Kaiser Pauls I Ende, 1801* (R. R. Stuttgart, 1897), gives us a detailed account of the conspiracy that led to the catastrophe, while Schilder in his fine biography of Paul (1900, in Russian) had to content himself with describing the circumstances anterior to an event about which he could only hint. Fresh light was thrown on it in 1901 by Professor Schiemann, of Berlin, who published in the *Historische Vierteljahrschrift* a letter of Bennigsen, one of the chief actors in the tragedy; and the same writer has now brought out a number of other original authorities here printed for the first time, though some of them were used by Bernhardi in an essay written

in 1860. There are eight papers in the collection, perhaps the most interesting of them being the letter of the young Princess de Lieven and the later commentaries of Prince Eugene of Württemberg. On the whole we find nothing startlingly new, but a number of previously doubtful points are made clearer. We may accordingly affirm with confidence the following facts: (1) There were two conspiracies against Paul. The first one was worked up by Panin, Lord Whitworth, and General Ribas. It was proposed to deprive the Emperor of power on the ground of insanity, and to put in as regent his son Alexander. This plan came to nothing, owing to the break with England and the withdrawal of Whitworth, the death of Ribas, and the banishment of Panin to Moscow. In the second conspiracy Pahlen was throughout the prime mover, but his keeping away from the scene of the actual murder, where Bennigsen and Zubov were the principal actors, led his accomplices to believe that he was prepared to turn against them in case of failure. (2) Alexander was cognizant of the progress of both schemes. His hesitation in ratifying them may have been partly due to some dark feeling at bottom that the revolution could hardly take place without a tragedy. Still, there is no reason to doubt his surprise and horror when the news of his father's death was brought to him. (3) There is, on the other hand, every reason to think that the active conspirators foresaw the inevitable outcome from the beginning. Paul would have been far too dangerous as a captive; and that he must be put to death was taken for granted, though we have no knowledge that it was discussed. (4) The widowed empress Maria Fedorovna dreamed for a moment of ascending the throne herself, but soon was forced to see that she had no partisans. (5) However much one may condemn the character and actions of Pahlen, Bennigsen, the Zubovs, and others, it cannot be denied that the situation in St. Petersburg had become absolutely intolerable. Paul's despotism and caprice had passed the verge of insanity. No one was secure against the Emperor's next whim or fit of anger, and the welfare of the empire as well as the security of the imperial family demanded immediate action. The evidence is overwhelming of the unspeakable relief felt by high and low after the tragedy was completed.

Professor Schieman's second subject is the curious interregnum that occurred after the death of Alexander I., when grand dukes Nicholas and Constantine were urging each other to accept the imperial crown. He publishes a number of letters that passed between the two princes, and also several descriptions of the military revolt of December 14, 1825, in St. Petersburg. In the latter, one gets a vivid impression of the utter confusion of the whole affair, and the helplessness of the liberal conspirators to do anything with the soldiers after they had once persuaded them to mutiny. As for the contest of generosity between the brothers, Professor Schieman in his introduction lays stress on the fact that Nicholas, as is proved by recent publications, knew of Constantine's renunciation of the throne, expected it to be maintained, and only proclaimed him under pressure from Miloradovich, who as commander of the guard controlled

the situation; hence the display of generosity was only high comedy. This conclusion is hardly fair. Granting the premises, we may still admit that Nicholas, who had a high sense of honor, believed it to be his duty to let Constantine, as the older brother and the natural successor of Alexander, decide once more unhampered whether he really wished to give up his claims. The letters between the two, in spite of their formal phraseology, have a genuine ring to them.

In both sets of publications such of the documents as were in Russian are printed in German translations, the originals being added in an appendix.

ARCHIBALD CARY COOLIDGE.

La Hongrie Moderne de 1849 à 1901. Étude Historique. Par A. DE BERTHA. (Paris: Plon-Nourrit et Cie. 1901. Pp. iv, 358.)

IN these ultra-national days, when writing in any language but one's own is regarded as unpatriotic, we are in danger of getting our ideas about many of the smaller countries of the world almost entirely from foreign, not to say hostile, sources. For instance, as most of us cannot be expected to study the native tongues of Poland, Bohemia, and, still more, of Hungary, for information about these lands we fall back perforce on what we can find in German, regardless of the fact that it is almost impossible for Germans to be quite impartial in their treatment of the history and, still more, of the present politics of peoples whose aspirations have so often conflicted with their own. We are always ready, therefore, to welcome a serious work by a native writer who has condescended to appeal to the Western public in a medium we can understand. Mr. de Bertha's book accordingly deserves a good reception, for it covers a period in the history of his country full of interest even to foreigners. His familiarity with his subject is obvious, his style is clear, and his appreciations in the essentials studiously moderate, though his tone is highly patriotic and his description of Hungarian public men is almost without exception laudatory, not to say fulsome. His account of the negotiations that led to the *Ausgleich* and particularly of the part played by Deák is especially good.

On the other hand, there is a great deal that he does not give us. His work does not at all justify its title; for it is a parliamentary history and little else, although encumbered with lengthy extracts from the regulation speeches at the millennial festivities. He has furnished us with a useful record of debate and legislation and, to a certain extent, of public needs and opinion. He has not described, except in rather vague allusions, the remarkable economic progress of Hungary in recent years, and he has left out all the shadows of the present picture. Brilliant as has been the success that the Hungarians have achieved in the last half-century and respectable as is their position in the world to-day, it is far from true that "tout est pour le mieux dans la meilleure des Hongries possibles."

To begin with, the *Ausgleich*, the much-lauded achievement of Deák, is working increasingly badly. The Austrians, whether German or Slav,

believe, and with considerable reason, that they got much the worst of the bargain. Good feeling between the two halves of the monarchy does not seem to be on the increase, and as the so-called compromise has to be renewed every seven years, there are frequent opportunities for disagreement; indeed, the really immense difficulty encountered in bringing about the latest renewal bodes ill for the future. In the second place, we cannot overlook the present situation of Austria, where the antagonism of the conflicting nationalities has reached such a point as to make ordinary legislation nearly impossible, and where many people believe that with the death of Francis Joseph we shall have the beginning of the end of the Hapsburg Empire. To be sure, even without her partner, Hungary may still be able to lead an independent and prosperous if modest existence, but it must be remembered that within her own borders she has very grave questions to which Mr. de Bertha barely alludes. Of her total population, if we include Slavonia and Croatia, less than half are Magyars or Hungarians proper, even according to the official statistics, which cannot be regarded as impartial in such a matter. In spite of all our author's insistence on the spirit of liberalism as the chief characteristic of present Hungarian politics, it is notorious that the treatment of the other nationalities by the ruling one has often been the reverse of liberal. Few fair-minded Hungarians would assert that the elections have been generally free, or the hand of the police light in dealing with the subject nationalities; and it would be absurd to pretend that the immense majority of purely Magyar members in the diet at Pesth is due to superior wealth and intelligence alone. The sternly maintained supremacy of the dominant race with its vigorous attempts to absorb the others may indeed be wise in the end. So far it has certainly preserved a peace which contrasts favorably with the spectacle on the nearer side of the Leitha, but absorption by force is a long and slow process which creates boundless ill-feeling while it is going on. There is no doubt to-day that the sentiments of the other nationalities towards the ruling Magyar minority is in many cases extremely hostile; and what makes this the more dangerous is that each of these other peoples has its own friends outside. The Slovaks in the north look to their kinsmen, the Czechs of Bohemia; the few Ruthenians are not without sympathy from the Russian Empire; while the Germans in Hungary can count on much more active support from the new Pan-German movement. Transylvania with its preponderatingly Rouman population is regarded across the mountains as part of Roumania Irredenta; and, finally, the two and a half million Croats and Servians, among whom hatred to the Magyars is perhaps bitterest, form a compact group with sufficient local privileges to defy absorption. They may dispute with each for hegemony, but they regard themselves as destined to build up a future independent south Slavic state, which would hardly fail to be the enemy of Hungary.

The determination, not to say hopeful confidence, with which the Magyars face all these perils compels our admiration. Whatever the future may have in store for them, they have played in the past a part

out of all proportion to their small numbers. We can say, too, that in no period of their history have they given more striking proof of their qualities, such as courage, patience, extraordinary sense of law, indomitable patriotism, and capabilities of many kinds, than they have by their achievements since 1849, when Görgei, who is still alive to-day, capitulated to overwhelming force at Villagos, and the independent existence of Hungary seemed to have come to an end forever.

ARCHIBALD CARY COOLIDGE.

Egypt in the Neolithic and Archaic Periods. By E. A. Wallis Budge, M.A., Litt.D., D.Lit., keeper of the Egyptian and Assyrian antiquities in the British Museum. (New York, Henry Frowde, Oxford University Press, American Branch, 1902, pp. xxiv, 222.) This is the first volume of the *History of Egypt* in the series entitled *Books on Egypt and Chaldea*. In the first chapter, which embraces almost half the book, the author gives an interesting account of excavations and investigations made during the past ten years by Petrie, de Morgan, Amélineau, and others, and discusses the results of the labors of these scholars. He regards it as "certain that many of the most important elements of Egyptian culture were brought into Egypt by a people who were not remotely connected with the Babylonians." It would seem that this people, having crossed into Africa (probably from southern Arabia, by way of the Strait of Bab-el-Mandeb), conquered and overran Egypt, and that the historical Egyptians are the descendants of the mingled conquerors and conquered.

Among the subjects discussed in this first chapter are the following: Physical Characteristics of the Predynastic Egyptians; Agriculture; Domestic Animals; the Predynastic Grave; Religion; Belief in a Future Life in the Predynastic Period. Chapter II. is devoted to an interesting discussion of Egyptian chronology. Chapter III. deals with the Legendary Period and with several predynastic kings. Chapter IV. treats of the kings of the first three dynasties. The book is well printed on excellent paper, has a map and some forty-four illustrations, and it may be warmly recommended to any one wishing to know the views of an eminent scholar in regard to the important period with which it deals.

J. R. JEWETT.

Die Religion Babyloniens und Assyriens. Von Morris Jastrow, Jr. (Giessen, J. Ricker, 1902, Erste Lieferung, pp. v, 80.) A German translation of Professor Jastrow's standard work having been called for, the author has made use of this opportunity to revise and enlarge the original edition (Boston, Ginn and Company, 1898). To judge from this first of the ten projected parts the work will be considerably expanded. Naturally, as the author observes in his preface, some portions of the whole work demand enlargement to a greater degree than others. The first main division owes its expansion in large part to the necessity for dealing more fully with the themes of Chapter I., "Sources and Methods of Study," and Chapter II., "Land and People." The former topic is

now more broadly and freely handled, for example in the statement of the present aspect of the Sumerian question (pp. 18-23), and the latter has all the advantage of the knowledge gained from the recent researches of the Pennsylvania expedition at Nippur, the German explorations on the site of Babylon, and the continued excavations of De Sarzec at Tello. For the book as a whole, this much is already clear: as compared with the English edition, it will gain in popular adaptation while losing nothing in scientific strictness and accuracy. Especially useful will be the promised comparison at the end of the work between the Babylonian and the other ancient religions.

All who care for the history of religion must wish the gifted author success in the completion of his work in its new and expanded form.

J. F. McCURDY.

Medieval Europe from 395 to 1270. By Charles Bémont and Gabriel Monod. Translated by Mary Sloan, with notes and revisions by George Burton Adams. (New York, Henry Holt and Co., 1902, pp. vii, 556.) Some American teachers of medieval history have often wished that this French text were available for general use in their classes; it was prepared by real scholars, and seemed to have, besides accuracy, a certain combination of clearness with brevity and of definiteness with generalization that is not always found in such a book. It is a pleasure to have it at last done into English, and by competent hands. Miss Sloan has usually given the exact meaning of the original, though sometimes not its life. Professor Adams has assisted in various ways in adapting the book to our conditions, notably by modifying the references. There are a good many misprints, owing no doubt to the haste that was necessary in order to meet the demand of this year; but they can readily be removed in another edition.

E. W. D.

Students of Anglo-Norman history will find little to interest them in the *Histoire de l'Abbaye du Bec* by M. le Chanoine Porée, the first volume of which appeared in 1901. (Évreux, Charles Hérissé, pp. xii, 664.) The story of the abbey is told in great detail, often indeed in too great detail; especially could much have been spared on the general monastic and religious history of the times, already well told elsewhere. In the treatment of its subject proper the book adds little to our knowledge, and is to be noticed merely because it gives an account from the Norman side of much that relates to England, of Lanfranc and Anselm, and the abbey school; of the English priories of the house; and of the movements on the continent of the Norman kings, but these only in so far as they affected the abbey. The author's interest throughout is wholly ecclesiastical, and he turns aside to discuss independently none of the problems of Norman history. The first volume brings the history down to near the close of the thirteenth century.

G. B. A.

Of the many articles of genealogical, antiquarian, and heraldic interest in Volume XVIII. of *The Genealogist*, new series (London, George Bell and Sons, 1902, pp. iv, 328, 176), only two or three can be mentioned here. Mr. J. H. Round, whose name appears as a frequent contributor, opens with a paper on "The Origin of the Stewarts and their Chesney Connexion," in which he traces the ancestry of the royal house a generation further back than he was able to do in his recently published *Studies in Peerage and Family History*. Mr. A. S. Scott-Gatty suggests another ingenious and learned theory on the parentage and identity of King Arthur, but, after Sir James H. Ramsay's convincing summary of the question (*Foundations of England*, I. 124-126), it would seem difficult any longer to identify the legendary Arthur with the victor at the Mons Badonicus. In Major-General George Wrottesley's detailed history of the Wrottesley family of Wrottesley, Staffordshire, there is, among other features of interest, an inventory of the effects in the house and stables of Sir Hugh, taken at his death in 1633, which furnishes a concrete picture of the "mode of life and accommodations in a gentleman's country house in the reign of Charles I." Such family histories, of which those of the Pastons and Verneys are the best-known examples, are invaluable sources of information on the social conditions of England's past. The illustrations to the volume are finely executed and interesting; the frontispiece is a facsimile of a grant of arms made by the Emperor Sigismund to the family of Cerjat of Mondon in Switzerland, October 9, 1415.

A. L. C.

The Annual Report of the American Historical Association for the year 1901 appears in two volumes, the first containing miscellaneous articles, the second the essay on "Georgia and State Rights," for which the Winsor prize was awarded, and also the report of the Public Archives Commission. The first volume is not so bulky as usual; but it is one of decided value. There is no need of enumerating the articles, and any comments may be superfluous. Possibly special attention should be called to Professor Williston Walker's paper on "The Sandemanians of New England" as an exceedingly interesting contribution to the social and religious history of later colonial times; and to Professor Ephraim Emerton's "The Chronology of the Erasmus Letters," an excellent example of the critical method of handling and classifying material. Much valuable information is contained in Professor A. Lawrence Lowell's "The Influence of Party upon Legislation," portions of which have interest for the historian, and all of which will be of value to the historian of the future, who will be gifted indeed if he can understand the permutations of modern politics. Three important papers read only by title at the meeting are here published: "Committees of Correspondence of the American Revolution," by Edward D. Collins; "Jay's Treaty and the Slavery Interests of the United States," by Frederic Austin Ogg; and "The Legislative History of Naturalization in the

United States, 1776-1795," by F. G. Franklin. The subheadings of Dr. Collins's paper indicate quite clearly his main contentions as well as his method of treatment: that Massachusetts discovered a method of colonial self-government; Virginia supplied a connecting link; New Jersey perfected a type of complete revolutionary government, for it was in this colony that the county committee of correspondence reached its most perfect form, and through the county committee came the thorough organization of the state; Massachusetts showed how to make a local grievance a general cause; in New York, a community in reality but slightly affected by rebellious sentiment, there came a most revolutionary development; revolutionary activities forced the disintegration of the committees.

Other papers were referred to in the report of the Washington meeting published in the REVIEW a year ago. Dr. Phillips's paper on "Georgia and State Rights" will be reviewed in a subsequent number.

The Court and Reign of Francis the First. By Julia Pardoe. With a preface by Adolph Cohn. (New York, James Pott and Co., 1901, three vols., pp. xiv, 313, 364, 366.) *The Life of Marie de Medicis, Queen of France.* By Julia Pardoe. (New York, James Pott and Co., 1902, three vols., pp. 483, 431, 451.) The appearance of a new and sumptuous edition of Miss Pardoe's works published in the 50's is of interest because it reminds one of how great an amount of research has been expended in the last half-century upon the history of France in the sixteenth and seventeenth centuries, and of the stores of new material which have been brought to light. When Miss Pardoe wrote *The Court and Reign of Francis I.*, the portly volumes of *State Papers* of the reign of Henry VIII., edited by Dr. Brewer (1862-); the Spanish State Papers of Bergenroth and Dr. Gayangos (1868-); and the valuable materials in the Venetian archives (1863-), edited by Horatio Brown, were all unpublished. *Les Négociations Diplomatiques de la France avec Toscane* (1859), too, were beyond her consultation, and the great *Catalogue des Actes de François Premier* (1887-), still unfinished, was nearly forty years in the future in 1850. Similarly in the case of *The Life of Marie de Medicis*, a vast amount of official papers, such as Avenel's *Lettres, Instructions Diplomatiques et Papiers d'État du Cardinal Richelieu* (eight vols., 1853-77) was beyond at least easy consultation. As for authorities which Miss Pardoe dreamt not of, one may mention the writings of the late De Maulde la Claviere, of Paulin Paris, of Baumgarten, of Phillipsohn, of Hanotaux.

The author wrote when the brilliancy of Macaulay and Lamartine tinged historical writing. She herself was gifted with a facile pen and transferred to her own pages something of the sprightliness she acquired from the reading of the memoirs and vivid chronicles of the age. But as solid history verified by the witness of official documents and not dependent upon the indirect and often inexact information of chroniclers and courtiers, the limitation of her writings are manifest.

The reviewer of *Marie de Medicis* in the *Athenæum* (June 12, 1852) may have been unduly prejudiced when he wrote, "We object to literary millinery"; and added: "A compilation in English of French memoirs reads insipidly." The present reviewer, however, is inclined to agree with him, and certainly disagrees with the statement of Mr. Adolph Cohn, who has written an introduction, that "Miss Pardoe's book is thus far the most elaborate history of Francis I. in existence."

J. W. T.

Notre-Dame de Sainte-Foy. Histoire civile et religieuse d'après les sources. Par L'Abbé H. A. Scott. Tome I. 1541-1670. (Quebec, J. A. K. Laflamme, 1902, pp. ix, 620.) Sir J. Lemoine in a paper read before the Royal Society of Canada in 1897 enumerated thirty-four parish histories published in the province of Quebec. Since that date an increasing interest in local history has developed and an effort, originating among the graduates of Laval University, is being made to extend it to every parish in the province. Quebec is singularly fortunate in having preserved a consecutive record in its parish registers, which extend back to the days of the first settlement. It was from these that L'Abbé Tanguay was enabled to compile his massive *Dictionnaire Généalogique des Familles Canadiennes*. In addition to these the regular houses have either as landowners or as depositories preserved large numbers of papers, so that the local historian has a mass of official material ready to his hand. The Abbé Scott has just added to the series by the publication of the first volume of the history of the parish of Sainte-Foy, situated in the well-known *seigneurie* of Sillery, four miles west of Quebec city, and granted to the Jesuits in 1640. Originally extending along the river St. Lawrence from the limits of the city to Cape Rouge, it has been curtailed by the creation of two new parishes, Saint Columb de Sillery in 1856 and Cape Rouge in 1862. With the exception of three short chapters devoted to the visit of Cartier and Roberval, 1541-1543, the greater part of the first volume is devoted to an account of the famous Sillery mission to the Algonquins, carried on amid much discouragement and suffering by the Jesuit fathers. The author has gleaned most of his material from the *Jesuit Relations, Journal*, and other original authorities, and has supplemented it by printing as an appendix twenty-three original papers, either documents relating to land or baptismal registers. Naturally his standpoint is that of the Jesuit fathers, and intense admiration is expressed for their devotion and perseverance. One interesting feature is a hitherto unpublished portrait of "Le Commandeur de Sillery," preserved in the Seminary of Troyes in Champagne. Of the five maps given in the volume, three have hitherto been unpublished. On the whole it is an excellent piece of work, worthy of "Une Paroisse Historique de la Nouvelle-France."

JAMES BAIN.

The New Amsterdam Book Company has published in two attractive volumes Cadwallader Colden's *The History of the Five Indian Nations* (New York, 1902, pp. lvi, 264; iii, 387). A short introduction gives

little information that the reader cares about and rigorously excludes what he would like to know; there is no indication, for example, of what edition is taken as the basis of the text. One would think that the editor, even if he saved himself the trouble of annotation, could have easily gleaned enough information from Dr. Shea's edition to let the reader know something of the history of the volume that is here reprinted; for the original Colden has passed through various vicissitudes. Although no information is given us, we judge that the text of the volume before us is that of the English edition of 1775, which for obvious reasons is commonly considered decidedly inferior to the one of 1727.

New Amsterdam and Its People. By J. H. Innes. (New York, Charles Scribner's Sons, 1902, pp. xiv, 365.) Of making many local histories there is apparently no end. The field of the present one is quite accurately indicated by its subtitle "Studies, Social and Topographical, of the Town under Dutch and Early English Rule." The author has made a selection of families and sites which figure in the records of his chosen period, and has produced not a continuous narrative but a fairly interesting group of studies. The houses of Dominie Bogardus and Van Cortlandt, the affairs of Melyn and Van Couwenhoven, and the incidents associated with the Bark Mill, the "Ditch," and Schreyers Hoek all receive careful attention.

In pleasant contrast with certain books of the kind, the work before us bears traces of wide reading and has the hall-mark of scholarship. The writer's familiarity with contemporary European conditions is manifest, though the descriptions of such matters as scenes in the Low Countries and events in the Thirty Years' War are unnecessarily long. The illustrations and maps are well chosen, and there are an index and two appendixes. Somewhat too specialized for the general reader, the book can be commended as a scholarly and graphic sketch of life in old Manhattan.

EDMUND K. ALDEN.

In the preparation of his recent volumes on the history of currency and banking in colonial Massachusetts Mr. Andrew McFarland Davis examined the important rare pamphlets on the subject and became familiar with their contents. Eighteen of these he has gathered together and reprinted in *Tracts relating to the Currency of the Massachusetts Bay, 1682-1720* (Boston, Houghton, Mifflin, and Co., 1902, pp. x, 394). The editing seems to have been done with scholarly care, and the papers are accompanied by satisfactory bibliographical notes. The material in this form will be of use to the student of our financial history, for, as Mr. Davis well says, it is just as important to understand economic heresies as economic truths and one cannot appreciate the force of public opinion unless he adopts the current standards on which the opinion is based.

Ohio and her Western Reserve, with a Story of Three States leading to the latter, from Connecticut, by way of Wyoming, its Indian Wars and Massacre. By Alfred Mathews. [The Expansion of the Republic

AM. HIST. REV., VOL. VIII.—38.

Series.] (New York, D. Appleton and Company, 1902, pp. xxiii, 330.) Mr. Mathews writes in vigorous style an interesting popular account of two series of historical events. In the first seven chapters the successive Connecticut expansion movements into Wyoming and the Western Reserve are described, after an introduction analyzing the nature of Connecticut as a community and its influence as a moral force in the nation. The last five chapters deal with the composite origin of Ohio and show how, under the influence of the Ordinance of 1787, it produced the peculiar features of the first state constitution and led to the subsequent political prominence of Ohio in the Union. Both parts of the book contain chapters giving lists of important persons born in Ohio and the Reserve. The material is not original nor does the treatment in most respects fall outside conventional lines, but the enthusiasm of the author and his complete sympathy with the Connecticut and other pioneers give the book a real value. As an essay on the results of social and religious training in causing and affecting the settlement of new communities it is of unusual interest. But it is to be regretted that the author's enthusiasm was not placed under some restraint, for the merits of the work are seriously obscured by the tone of unremitting and extravagant eulogy which pervades it. After the first two chapters the adjectives "huge," "colossal," "enormous," "sublime," "heroic," "unparalleled," "prodigious," lose their significance through repetition, and the whole perspective is felt to be distorted. While no important error of fact has been noted—except the statement that "the mantle of the dying John Quincy Adams" fell upon the shoulders of Giddings "in 1840"—there is not a chapter which does not contain numerous claims for the unqualified superiority of Connecticut and Ohio in respects which will be challenged by the historians of almost every other state in the Union.

T. C. S.

A History of the Nineteenth Century, Year by Year. By Edwin Emerson, Jr. (New York, P. F. Collier and Son, 1902, 3 vols., pp. 605; 606-1252; 1253-1924.) These volumes contain a summary of the history of the last century, arranged in the form of annals, year by year. The first volume is filled with the story of the Napoleonic wars and carries the narration to 1815. The second volume unrolls the annals of the world from 1816 to 1857. The tale of the forty-three remaining years of the century is therefore left to the third volume, which concludes, for 1900, with the visit of Paderewski to America, the Hay-Pauncefote treaty, the centennial of the city of Washington, and a Latin ode by Leo XIII. At the beginning of the first volume, between the author's preface and the body of his work, is inserted a translation of Gervinus's introduction to the history of the nineteenth century, which first appeared in 1853. This once famous pamphlet seems to have secured this honor from Mr. Emerson on account of its eulogy of the democratic principle as exemplified particularly in the career of the English race in America.

Mr. Emerson's narrative has the merit of clearness. It is always intelligible and easy to read, despite the lack of continuity and perspective which its chronological plan entails. Passages occur which are models of terse, straightforward, forcible, sprightly description, but at the end of them the reader falls upon pages heaped with the heterogeneous events of a decade — a sort of terminal moraine of unrelated facts. If there is any one who wants to read the annals of one hundred years in their consecutive order, he may find these volumes adapted to his desire. Those who want a convenient work of reference concerning the events of the last century will, however, find here nothing but vanity and vexation of spirit, for its one index is only a mockery and a sham. Excellence of narrative cannot excuse this fatal defect. It is marvelous that the author should have been willing to spend the time and thought necessary to construct such a labyrinth of incidents and allusions, and should then have failed to prepare the clue which alone would render his work useful to the student. This criticism is the more inevitable because the author's view has so wide a range that quotations from the poets, accounts of battles, and discussions of the fine arts jostle one another. That page is not an unusual one (Vol. II., p. 635) which contains a reference to the Arctic voyages of Ross and Franklin, to Mrs. Shelley's *Frankenstein* and Keats's *Endymion*, to the first introduction of infant-schools, steam-heating, gas-lighting, macadamized roads, and the velocipede, and finally to the Congress of Aix-la-Chapelle. Only two items in this heap appear in the index, and one of those is entered under the wrong word. The title-page calls attention to the fact that the work contains forty-eight pictures and two maps, a ratio in illustration which may indicate that the books were originally intended for diversion rather than for study. It is clear that the student who confines himself to English in his collection of handbooks of nineteenth century history must for the present continue to make use of such works as Hazell's *Annual Cyclopedia* and Mueller's *Political History*.

C. H. L.

Of James Q. Howard's *History of the Louisiana Purchase* (Chicago, Callaghan and Co., 1902, pp. 170), it is sufficient to say that, while it may prove informing to the general reader who wishes to learn at a glance, or literally in an evening, what great names and achievements, political principles, and diplomatic victories are connoted by the Louisiana Purchase, it is not a book which will be of any particular service to students and teachers of history. It is comprehensive but it is brief. In 119 pages the author sketches the history of the region on the right bank of the Mississippi from De Narvaez and De Soto to Livingston and Napoleon, from its exploration to its acquisition by the United States. Sixteen pages are devoted to the "Louisiana Purchase States" from 1803 to 1900, barely a page each to twelve titles; and twenty pages are taken up by a supplementary chapter on the "Creators and Preservers of the Republic," including Franklin, Marshall, Jackson, Webster, Lincoln,

and Grant, for without their efforts there would not have been any United States to enjoy the results of the purchase. The author has had the advantage of no new material in the preparation of his book, but has followed the usual sources, while his indebtedness to the authors of standard works, or at least his inability to avoid paralleling one or another of them, is time and again apparent.

F. W. M.

Dispatches and Letters relating to the Blockade of Brest, 1803-1805. Edited by John Leyland. Vol. II. (London, Navy Records Society, 1902, pp. liv, 390.) In scope and sources this volume is similar to the first. Both draw upon English and French public records, the private papers of Admiral Cornwallis, who commanded before Brest, and occasionally upon the *Correspondance de Napoléon I^{er}*, to illustrate the entire ocean blockade on the French and Spanish coasts. In the principle of selection the volumes differ, the first elucidating the system of blockade, the second its general bearings.

The present volume opens with a project in June, 1804, by Captain Puget (a sometime lieutenant under Vancouver, whose name appears in Puget Sound) to destroy the French fleet at Brest by fire-ships. The bold but accurately laid plan fell through, partly by opposition in the admiralty. In the succeeding pages Anglo-Spanish friction figures prominently. It centered in Ferrol, where Cochrane was blockading a French and Dutch squadron, and culminated in the seizure by the British, in anticipation of pending hostilities, of the Spanish treasure-ships from America.

For the rest the volume deals chiefly with Napoleon's projected concentration of his fleets in the West Indies; the escape from Rochefort, in January, 1805, of Missiessy, whose direction was long a mystery to the British captains; the sailing of Villeneuve from Toulon; and Ganteaume's detention at Brest, partly by Napoleon's prohibition of an engagement with its blockaders. On these and kindred topics welcome information is given. Upon Cornwallis's division of his forces by dispatching twenty of his ships to meet Villeneuve on his return from America, at Ferrol, Mr. Leyland ventures no distinct verdict. Napoleon termed it an *insigne bêtise*. This censure need not discredit the opinion that these volumes prove beyond doubt Cornwallis's courage and strategic ability in general. Napoleon in fact once applied to Nelson a stricture incomparably stronger. Mr. Leyland may be congratulated on the completion of this work, which is a credit to its editor.

H. M. BOWMAN.

The coming centennial anniversary of the Lewis and Clark expedition has called out more than one new edition of the *History of the Expedition*. Mr. James K. Hosmer has edited the one before us (Chicago, McClurg, 1902, two vols., pp. lvi, 500; xiii, 586). The editor has prepared a short appreciative introduction but has not thought fit to burden the pages with heavily-weighted foot-notes. For the general reader, if he

has no great regard for accurate following of the original journal nor yearning for minute information as to scientific details such as is to be found in the edition of Dr. Elliott Coues, 1893, these volumes should prove entirely satisfactory. The pages are not fringed with distracting foot-notes nor laden with editorial comment. They contain in most attractive form a reprint of the Biddle edition of 1814. It may not be commonly known, however, that Biddle with the dexterous facility characteristic of the editor of three generations ago took pleasant liberties with his text, and that the real journal is soon to be reprinted without variation.

L'Impératrice Marie-Louise (Paris, Ollendorff, 1902, pp. xi, 628), already in the sixth edition, forms the tenth volume in M. Frédéric Masson's minute and scholarly series of studies of the personal side of Napoleon Bonaparte's life, character, and surroundings. Of the various monographs in this series, those on the Emperor's youth and his intellectual and formative period are already completed; those on his family, his court, and his generals are as yet unfinished. Owing to the character of his plan, M. Masson is concerned with Marie-Louise only as she affected Napoleon. Hence he devotes the bulk of a stout volume of six hundred pages to the six years during which she was empress. Although an enthusiastic Bonapartist, he handles his problem in a broad-minded and discriminating fashion. Seeking neither to excuse nor to condemn, he aims to describe Marie-Louise, in the light of original documents, as she appeared to her contemporaries. He attributes the erroneous judgments concerning her to the failure to take account of three facts: that she was a German by race, having no intimate or tender relations with the people among whom she was condemned to live in exile; that she was an arch-duchess by birth, and carried to France an "historic atavism"; and that she had been educated in an imperial court bitterly hostile to Napoleon and his subjects. In spite of the fact that M. Masson has been handicapped because of the disappearance of most of the correspondence between the Emperor and the Empress during the years from 1812 to 1814, his presentation is adequate and convincing. The life and surroundings of the Empress are described in minute detail, but with a sense of discrimination and seriousness of purpose rising above the gossipy chronicle; in this respect, the picture of the Viennese court in the early years of the last century, and the masterly treatment of the motives and influences leading to Marie-Louise's desertion of Napoleon are particularly noteworthy. It is to be regretted that the author has not seen fit to indicate his sources. But in an introduction, which, it should be said in passing, contains many admirable suggestions on the method of treating a subject of this nature, he frankly states his reasons for withholding his evidence. They are in substance: that foot-notes break the continuity of the narrative; that unless given for every statement, which is practically impossible, they might as well be omitted altogether; and finally, that he does not care to be plagiarized or to be anticipated in the

part of the field still unworked. Whether his explanations are satisfactory or not, perhaps M. Masson's position as a recognized authority in his subject will excuse him from neglecting the customary check against erroneous statement or unfounded assertion.

A. L. C.

La Principessa Belgiojoso, i suoi Amici e Nemici — il suo Tempo. Da Memorie mondane inedite o rare e da Archivi segreti di Stato. Per Raffaello Barbiera. (Milan, Fratelli Treves, 1902, pp. 436.) Principessa Cristina Belgiojoso is one of the most original of the many noble Italians whose collective activity roused the dormant patriotism, hopes, and courage of the Italian peoples and, soliciting the sympathies of Europe, finished by creating Italian unity. Born in 1808 of the old and distinguished Lombard family, Trivulzio, endowed with delicate beauty, a keen intellect, an indomitable spirit, and a fine independence which led her to disregard many of the conventionalities of society, la Belgiojoso embodied much that was noblest in the "Risorgimento," while the story of her adventurous life opens before the reader epic scenes of exalted patriotism and of heroic abnegation. In Paris under Louis Philippe her salon was among the most brilliant; in Lombardy her abilities and patriotism were so feared by Austria that she was tried for high treason and her rich property was twice confiscated; but in united Italy her name has passed almost into oblivion, from which the present volume may be said to have rescued it.

Barbiera is a fascinating writer, whose facile pen in the present work reproduces with remarkable realism the dramatic scenes of which la Belgiojoso's life is full, and in a series of sketches drawn after diligent study he gives a clear and just conception of her character and career. The volume is not an exhaustive biography, nor has the writer succeeded in solving all the problems connected with the life of the Princess. His method may perhaps be criticized as giving too great prominence to some of the celebrated characters with whom she came in contact and by whom, especially in Paris, she was surrounded — Thiers, de Musset, George Sand, Mamiani, Tommaseo, Massari, Gioberti, Cavour. It cannot be said, however, that the central figure is ever obscured, but rather that the clever and generally faithful portraits of her satellites, her fellow-workers, her enemies, all accentuate the reader's interest in la Belgiojoso herself and heighten his appreciation of her radiating influence. In the preparation of his work Barbiera has made extensive researches among both edited and inedited sources, the results of which are of the first importance to the historian. His studies in the royal archives of Milan have revealed pertinent facts relative to the police system and political persecutions of Austria in Lombardy during the early days of young Italy; his studies of obscure published sources have enabled him to give a touching picture of the life of the Italian political exiles in Paris, with its companion picture of the brilliantly intellectual and patriotic salon of the Italian Princess; while other studies of inedited documents and correspondence lend origi-

nality to his chapters upon the part played by la Belgiojoso in the revolutions of 1848-1849, upon her theatrical entry into Milan at the head of two hundred volunteers equipped at her own expense, and upon her weeks of tireless devotion to the wounded and dying in the hospitals of Rome, termed by Barbiera "the apex of her greatness." Her various writings and the fruits of her journalistic energy are examined with relative fulness. Altogether the volume is a good piece of work, worthy of Barbiera's reputation as a writer of readable biography and history, and takes its place with his *Il Salotto della Contessa Maffei* as the best of his publications.

HARRY NELSON GAY.

The publication of a new edition of Angelo Brofferio's *I miei Tempi; Memorie* in ten to twelve volumes has been undertaken by the editors, Renzo Streglio e C., of Turin, it being the first part of a larger collection intended to comprise the writer's principal literary and political works. From the two volumes which have already been issued it appears that the *Memorie* are not being critically reëdited and that, excepting a brief preface and a possible, but as yet unannounced, subject-index, the new edition will contain nothing which is not to be found in the original edition, of which Series I., published in twenty volumes in Turin, 1857-1861, has been long out of print and is very scarce. These *Memorie* have been widely quoted by historians and are recognized as a primary source, indispensable to students of the social and political conditions of Italy during the first sixty years of the nineteenth century. Brofferio, lawyer, poet, dramatist, and journalist, was an honest and fiery leader of the opposition in the Piedmontese Parliament from the date of its creation in 1848, and parts of the later volumes of Series I. deal at special length with the political questions current during the years 1859-1860, some chapters having been published also separately as polemical pamphlets directed against the policy and government of Cavour.

The work, owing to its unchronological and confused arrangement, presents great difficulties to the student who would consult it in research, and it is to be hoped that the new edition will be provided with a full subject-index, unfortunately wanting in the original edition. The publishers have not stated as yet whether they intend to include the three volumes of Series II. of the *Memorie*, published in Milan 1863-1864, and still in print. Though a continuation of Series I., this is quite a distinct publication, and is little known.

HARRY NELSON GAY.

Of exceptional literary, historic, and educational interest is the new volume of miscellanies published by the eminent Italian critic and litterateur, Alessandro d'Ancona, under the title *Ricordi ed Affetti. In memoria d'illustri Italiani, Ricordi di Maestri, Amici e Discepoli, Ricordi di Storia contemporanea (con saggi di musica popolare), Ricordi autobiografici ed Affetti domestici*. (Milan, Treves, 1902.) It is made up entirely of

writings previously printed either in journals and reviews or in commemorative publications. Of most general interest are sketches of Giusti, Leopardi, Vittorio Emanuele II., Cesare De Langier, d'Ayala, and Eurico Mayer, autobiographical reminiscences of the writer's youth, and studies upon Italian popular poetry and music in the nineteenth century, and upon the evolution in "Risorgimento" history of the political ideals, unity and confederation.

HARRY NELSON GAY.

The Founder of Mormonism. A psychological study of Joseph Smith, Jr. By I. Woodbridge Riley, with an introductory preface by Professor George Trumbull Ladd. (New York, Dodd, Mead, and Company, 1902, pp. xx, 446.) This book is a valuable addition to the literature of Mormonism. It is an exhaustive study of the personality and the history of its founder. As its title implies, it is distinctly a psychological study, but in making this the author has traced the family history for generations preceding that of Smith and has considered each detail of his life and work. As a result we have an able argument in favor of Smith as the genuine author of the *Book of Mormon* and the leading power in Mormonism.

It is an interesting and forceful argument against the theories that charge Smith with forgery, claiming that his ignorance made his authorship of the book impossible. Mr. Riley does not deny Smith's ignorance, but claims that the abnormal activities of his mind give psychological proof of the possibility of such authorship. His neuropathic antecedents, his peculiar mentality, the unnatural religious environment of his early life, are all made accountable for the abnormal personality which was shown as "prophet, seer, revelator, faith-healer, exorcist and occultist."

The book is not only of peculiar value to the students of psychology, but it is written with a freshness and a clearness that appeal to the average reader. The story of Smith's early life and environment is perhaps the strongest part of the book. In a full appendix are given the contents of the *Book of Mormon* and an account of the Spaulding-Rigdon theory of this book, also a complete bibliography of over two hundred works.

WILLIAM F. SLOCUM.

The Government of Maine. By William MacDonald, LL.D. [Handbooks of American Government.] (New York, The Macmillan Company, 1902, pp. ix, 263.) The plan for a series of books upon the governments of the different states of the Union is an excellent one. State government has been too little considered in arranging courses of study for the schools. *The Government of Maine*, by Professor MacDonald, is one of three books which have already appeared in this series, and is in every way commendable. For the writing of this volume the author was well prepared while occupying the chair of history at Bowdoin College.

His book contains ten chapters and four appendixes. The first two chapters deal with the physical geography and historical outline of Maine

from the time of the earliest explorations and settlement up to the present. The remaining eight chapters are devoted to the analysis of the constitution, and an exposition of the central and local government. Of especial interest is Appendix B, which contains excerpts from selected historical documents, the early charters referring to Maine while a part of Massachusetts, the articles of separation, and the acts admitting Maine into the Union, together with the full text of the constitution. For convenient reference to the general reader nothing better could be arranged than Appendix C, which gives the state government in outline. This appendix may also serve students as a tabulated form for review of the whole book.

Particularly interesting is Professor MacDonald's treatment of local government. The people of the state ought to know minutely the workings of county and town organization and of the party machinery employed, while the student of politics everywhere needs just such an exposition of the peculiarities of each of the New England states in order to compare and contrast the very different systems of the western and southern portions of our country.

GEORGE EMORY FELLOWS.

NOTES AND NEWS

We have to chronicle the death of Dr. J. L. M. Curry, which occurred at Asheville, North Carolina, in the middle of February. Born in Georgia, in 1822; for three terms a member of the Alabama legislature, and throughout the Civil War a member of the Confederate Congress; after the close of the war successively president of Howard College, Alabama, and professor in Richmond College; later identified with the Peabody Fund for Southern Education, the Slater Educational Fund, and the Southern Education Board; minister to Spain under President Cleveland and our special representative at the coronation of King Alfonso; he was long active in the educational and public service of his country. With all his other activities he was a prolific writer, and in this and other ways he was interested in historical studies. His books include *Southern States of the American Union*, considered in their relations to the Constitution of the United States (1894), *Brief Sketch of George Peabody and a History of the Peabody Education Fund*, and *Constitutional Government in Spain*. At his death he was president of the Southern History Association.

Mr. Silas Farmer, maker and publisher of maps and books in regard to Michigan and other parts of the northwest, died at Detroit, December 28. One of his best-known works was the *History of Detroit and Michigan*, in two volumes.

The Reverend John Earle, long professor of Anglo-Saxon at Oxford, died January 31, in the beginning of his eightieth year. Students of English history will recall especially his edition of the *Saxon Chronicle* (1864), and his *Handbook to the Land Charters and other Saxon Documents*.

Reverend W. R. W. Stephens, antiquarian, ecclesiastical historian, and Dean of Winchester, died at the end of December, of typhoid fever. He will probably be remembered especially by his biographies, chiefly the *Life of Dean Hook* and the *Life and Letters of Edward A. Freeman*. But he did much important work besides. In the early seventies he wrote a book on the life and times of St. John Chrysostom, and later he edited Chrysostom's works; in 1886 he produced *Hildebrand and his Times*, in Dr. Creighton's "Epochs of Church History"; and in these last years he planned, and with Reverend W. Hunt was editing, a *History of the English Church* in seven volumes, one of which also he wrote himself, — that upon the Norman and Angevin times.

The death is announced of Professor Carl A. Cornelius, of Munich, author of numerous historical works. Students of the Reformation will

[The department of Notes and News is under the management of Earle W. Dow.]

remember his recent contributions upon the work of Calvin at Geneva, in continuation of the investigations of Kampschulte.

The death of M. Gaston Paris, which occurred early in March, will be widely and deeply regretted. It takes away one of the world's leaders in the study of the Middle Ages. He was a scholar in philology, but in no narrow sense. His minutest studies had a large perspective; generous human interest and appreciative insight into medieval life characterized what he wrote. Unfortunately the *Littérature Française au Moyen Âge*, with much else, he had to leave unfinished.

The *Revue des Questions Historiques*, founded in 1866 by the Marquis of Beaucourt and directed by him until his death last autumn, will continue to appear as formerly, with the same programme and under the same editorial committee. For director the choice has fallen upon M. Paul Allard, who is well known by his writings upon the early Christian period.

The address delivered at Philadelphia by Captain Mahan, as president of the American Historical Association, forms the leading article of the *Atlantic Monthly* for March: "The Writing of History."

Part I. of the seventh volume of Helmolt's *History of the World* has appeared in the English translation of that work. This is the volume that deals with western Europe to 1800 (Dodd, Mead, and Co.).

There is to be another new Temple series, "The Temple Autobiographies," edited by W. MacDonald. Among the first numbers will be Benvenuto Cellini's *Autobiography*, newly translated by Miss A. MacDonell, and Benjamin Franklin's *Autobiography* (Dent).

The latest volume of the Hakluyt Society (Series II., Vol. IX.) is devoted to Pedro Texeira. It contains his *Travels*, his *Kings of Harmuz*, and extracts from his *Kings of Persia*, translated and annotated by W. F. Sinclair, and with notes and introduction by Donald Ferguson. The Society has also two more volumes in the press.

Dr. Franz Steffens, of the University of Freiburg, is making an important contribution to the means for the study of Latin paleography, by his *Lateinische Paläographie* (Freiburg, Switzerland, B. Veith). One hundred photographic reproductions, with transcription and explanations on the page opposite each example, will be published in three parts: 1-35, to Charles the Great; 36-70, to the beginning of the thirteenth century; 71-100, to the eighteenth century; the first part is to be out about Easter. An introduction will set forth the development of Latin writing. This work is offered to subscribers at the remarkably low price of fourteen marks the part.

In an article in *Minerva* for January 15 M. A. Sorel treats of "Histoire et Mémoires," with reference to three questions: What are the different types of memoirs? How ought memoirs to be published? How ought they to be utilized?

The National Society for the Scientific Study of Education, in preparation for its meeting at Cincinnati in February, issued Part I. of its *Second Yearbook*. Its contents—consisting of programmes for discussion, and criticisms of Miss Salmon's paper in the *First Yearbook*—bear upon the general subject, "The Course of Study in History in the Common School" (University of Chicago Press).

Among late discussions that concern historical theory we note especially "*Ich und Welt in der Geschichte*," by K. Breysig, in "*Schmoller's Jahrbuch für Gesetzgebung*" (XXVI., 2); and, on the same subject, the inaugural address of the new rector of the University of Berlin, O. Gierke: *Das Wesen der menschlichen Verbände*.

A new and largely remodeled edition of Meyer's *Grosses Konversations-Lexikon* has begun to appear, at Leipzig (Bibliographisches Institut).

ANCIENT HISTORY.

Explorations in Bible Lands during the Nineteenth Century is the subject of an important volume just published by Messrs. A. J. Holman and Co. It is written by a number of specialists. Professor Hilprecht acts as editor and contributes the leading article: "The Resurrection of Assyria and Babylonia."

Among the recent books is a comprehensive survey of the rise of Greek philosophy, its culmination in stoicism, and the influence of stoicism upon Christianity: *Greek and Roman Stoicism and Some of its Disciples*, by C. H. S. Davis (Boston, H. B. Turner and Co.).

The Cambridge University Press has lately brought out a work of first importance for the history of Rome: *Roman Private Law in the Times of Cicero and the Antonines*; 2 vols., by H. J. Roby, sold in this country by Macmillan and Co.

Stories in Stone from the Roman Forum, by Isabel Lovell (Macmillan, 1902) is an attractive little volume profusely supplied with good illustrations, telling in simple form of Roman life and customs and of some important facts in the history of the city.

The character and aims of Augustus, and the problem with which he had to deal in the Roman world, form the subject of a recent work by E. S. Shuckburgh: *Augustus. Life and Times of the Founder of the Roman Empire (B. C. 63–A. D. 14)* (London, Unwin). In the same field, Messrs. Putnam have added to the "Heroes of the Nations" a volume on Augustus: *Augustus Cæsar and the Organization of the Empire of Rome*, by J. B. Firth.

The fiftieth anniversary of the entrance of M. George Perrot into the École Normale Supérieure was made by his students and friends the occasion of publishing a volume of studies relating to classical archæology and ancient history and literature: *Mélanges Perrot, Recueil de Mémoires concernant l'Archéologie Classiques, la Littérature et l'Histoire Anciennes*. More than a score of the articles are of an historical order (Paris, Fontemoing).

Noteworthy article in periodical : P. Guiraud, *Histoire d'un Financier Romain* (Revue de Paris, January 15).

EARLY CHURCH HISTORY.

Messrs. Longmans, Green, and Co. have just brought out *The Age of the Fathers*, by William Bright ; being chapters in the history of the church in the fourth and fifth centuries. It is a work of a more popular order than Dr. Bright's earlier work on this period, *The History of the Church from 313 to 451*. On the same period they have issued also the second volume (from 324 to 430) of *A History of the Church of Christ*, by Reverend Herbert Kelley.

The eighteenth series of the Cunningham Lectures was given by Dr. Thomas M. Lindsay, principal of Glasgow College, on *The Church and the Ministry in the Early Centuries*. Ten subjects were treated, among them, "The Picture of a Church in Apostolic Times", "The Church of the First Century", "The Church of the Second and Third Centuries", and "The Roman State Religion and its Effects on the Organization of the Church" (New York, A. and C. Armstrong).

Dr. Adolph Harnack has published a second study preliminary to a history of the expansion of the Christian religion in the first three centuries : "Gemeindebildung und Bisthum in der Zeit von Pius bis Constantin", in the *Sitzungsberichte* of the Berlin Academy of Sciences for November 28.

MEDIEVAL HISTORY.

The memory of M. Paul Fabre has been honored by his friends through the publication of a volume of studies relating to medieval history : *Mélanges Paul Fabre. Études d'Histoire du Moyen Âge*. It contains thirty-three pieces (Paris, Picard).

Mr. Joseph McCabe, known of late by his *Abelard*, has written also *St. Augustine and his Age*, in which he proceeds by the aid rather of psychology than of theology (Putnam).

We have received a reprint of an article by Dr. David S. Schaff which appeared in the *Reformed Church Review* for January (pp. 94-107) : "The Monasticism of the Middle Ages." It is a very general treatment, as may be clear from its length.

Messrs. Longmans are just publishing *The Destruction of the Greek Empire and the Story of the Capture of Constantinople by the Turks*, by Edwin Pears. Mr. Pears explains that there is important material at hand now which was not available to Gibbon.

A great part of the last two fascicles of the *Analecta Bollandiana* for 1902 is devoted to an index of Latin accounts of miracles of the Virgin written during the period from the sixth to the fifteenth century : *Index Miraculorum B. V. Mariæ quæ Saec. VI.-XV. Latine Conscripta Sunt*, by Alb. Poncelet.

Students of heraldry may find of service two new extensively illustrated volumes by J. Foster : *Some Feudal Coats of Arms* (London,

Parker and Co.), with 2,000 zinc etchings, and *Some Feudal Coats of Arms from Heraldic Rolls, 1298-1418* (London, Foster), with 830 similar reproductions.

One of the late additions to the "Stories of the Nations" may be noted here, though it deals with the medieval period of India rather than of Europe: *Mediæval India under Mohammedan Rule, 712-1764*, by Stanley Lane-Poole (Putnam).

Noteworthy articles in periodicals: Ernst Devrient, *Die Sweben und ihre Teilstämme* (Historische Vierteljahrschrift, January); H. Sachau, *Der erste Chalife Abu Bekr* (Sitzungsberichte der königlich preussischen Akademie der Wissenschaften, January 15); A. Rambaud, *L'Empereur de Carthage* (Revue de Paris, February 15); Walter Goetz, *Die ursprünglichen Ideale des hl. Franz von Assisi* (Historische Vierteljahrschrift, January); E. Cosquin, *La Légende du Pape de Sainte Elisabeth de Portugal et le Conte Indien des Bons Conseils* (Revue des Questions Historiques, January).

MODERN HISTORY.

Mr. E. Belfort Bax's series on "The Social Side of the Reformation" has been completed by the publication of *The Rise and Fall of the Anabaptists* (London, Sonnenschein).

The Department of History of the University of Pennsylvania has published a revised edition of Professor George L. Burr's "The Witch Persecutions," in the series of *Translations and Reprints* (Vol. III., No. 4).

M. Jaurès, the eminent French socialist, is editing a monumental *Histoire Socialiste, 1789-1900*. The first three of the fifteen volumes proposed he has written himself, and they have already appeared, through MM. Rouff et Cie., Paris. They go only through 1792. M. Jaurès, it is said, will write also upon the war of 1870; and he will do the final volume, which is to deal with socialism in the nineteenth century.

The fifth volume of A. Sorel's *L'Europe et la Révolution Française* appeared recently. It treats of "Bonaparte et le Directoire: 1796-1804" (Paris, Plon-Nourrit). M. Sorel expects to complete his work in three more volumes.

Messrs. Putnam are publishing this spring an account of the slavery controversy from the earliest agitations in the eighteenth century to the close of the reconstruction period in America: *A Political History of Slavery*, in two volumes, by William Henry Smith.

The Cambridge University Press has just brought out a new volume by Professor Laurie of Edinburgh, containing *Studies in the History of Educational Opinion from the Renaissance*. It will publish also, in the same general field, *Erasmus of Rotterdam and his Doctrine of Education*, and a *History of Education since the Renaissance*, both by Professor W. H. Woodward.

Mr. H. R. F. Bourne, in order especially to vindicate the Aborigines Protection Society, has been led to write a book which is of the highest interest to students of the history of Europe in Africa: *Civilisation in Congoland: a Story of International Wrongdoing*, with a prefatory note by Sir Charles Dilke (London, P. S. King).

Noteworthy articles in periodicals: M. A. Tucker, *Gian Matteo Giberti, Papal Politician and Catholic Reformer*. I. (English Historical Review, January); H. D. Foster, *Brunetiere on the Work of Calvin* (Bibliotheca Sacra, January); P. Sakmann, *Ein Beitrag zur Biographie Voltaires* (Historische Zeitschrift, XC., 2); Louis Madelin, *Pie VI et la Première Coalition* (Revue Historique, January); Chr. Waas, *Bonaparte in Jaffa* (Historische Vierteljahrschrift, January); *The Rise and Influence of Darwinism* (Edinburgh Review, October).

GREAT BRITAIN AND IRELAND.

The Royal Historical Society will publish soon, as a memorial volume, careful bibliographies of Bishops Stubbs and Creighton, Dr. Gardiner, and Lord Acton.

"The Roman Legions in Britain, A. D. 43-72," by W. B. Henderson, forms the leading article of the *English Historical Review* for January. It gives a resumé of the various theories maintained, and makes definite choice between them.

Number 5 of the first volume of *The University of Missouri Studies* is devoted to "The Right of Sanctuary in England," by Professor Norman M. Trenholme (The University of Missouri, 1903, pp. 106). A study in institutional history, it aims "to give a concise and logical account of the English form of church asylum known as right of sanctuary, with its attendant forms, usages and customs, and the place it held in the national life of the country during the centuries in which the institution existed."

Messrs. Longmans have in the press *A Social History of Ancient Ireland*, by P. W. Joyce; two octavo volumes, with numerous illustrations.

At a meeting of the Royal Historical Society held in January Mr. Alexander Savine read a paper on "The Elizabethan Bondmen." It will be published in the next volume of *Transactions*.

Recently published materials relating to modern English history include Volume XXVI. of *Acts of the Privy Council*, in which Mr. Dasent carries the record from July, 1596, to March, 1597, and the *Calendar of State Papers*, — *Domestic* for 1673, edited by Mr. Daniell.

Messrs. Longmans are issuing a new and cheaper edition (Cabinet Edition) of S. R. Gardiner's *History of the Commonwealth and Protectorate, 1649-1656*, in four volumes, one of which is now out. Mr. Gardiner left only one chapter of the final volume ready for publication; this will appear as an extra chapter in the new edition, and also as a supplement to the Library Edition.

In *Robert Harley, Earl of Oxford, Prime Minister, 1710-1714*, a study of politics and letters in the age of Anne, Mr. E. S. Roscoe en-

deavors among other things to indicate the political influences which affected Harley's career, and to sketch his relations with contemporary statesmen (Putnam).

The third volume of the Hon. J. W. Fortescue's *History of the British Army*, published lately, extends from the close of the Seven Years' War to 1793 (Macmillan).

Recent books relating to modern English history include *The Great Marquess: Life and Times of Archibald, Eighth Earl, and First (and only) Marquess of Argyll (1607-1661)*, by John Willcock (London, Oliphant); *George Canning and his Times*, a political study, by J. A. R. Marriott (London, Murray); and *Sir A. Henry Layard, Autobiography and Letters*, edited by William N. Bruce (Murray).

The first volume of an extensive *History of the British Empire in the Nineteenth Century*, by M. R. P. Dorman, is announced for early publication. There are to be five or six volumes in all. The first deals with the period from the outbreak of the war with France to the death of Pitt (1793-1806) (Philadelphia, J. B. Lippincott).

London at different periods furnishes the subject-matter of two recent books. *London before the Conquest*, by W. R. Lethaby, deals with the topography of the city a thousand years ago; while *London in the Eighteenth Century*, by the late Sir Walter Besant, gives a sort of social picture of the place, suitable for an understanding of English literature and life in the time of Fielding, Smollett, and Addison (Macmillan).

What Mr. Stevenson did for the records of Nottingham, and Miss Bateson and Mr. Stevenson respectively for Leicester and Bristol, has now been done in some measure for Colchester by a member of its corporation, W. G. Benham. He has published, privately, *The Red Paper Book of Colchester*. The documents it contains belong to the period from Henry III. to Edward VI.

The seventh and concluding volume of *A History of Agriculture and Prices in England*, by James E. Thorold Rogers, has lately been edited, with sundry additions, by his son. This monumental work was some thirty-six years in publication, volumes one and two appearing in 1866 (Clarendon Press).

Dr. Emil Reich's long announced *New Student's Atlas of English History* (Macmillan) was published recently. It contains fifty-five maps, explanatory text, and an index. The maps differ from those usually provided by such books in that they are not made primarily for reference use; they are rather graphic representations of particular groups of facts, for example, the campaigns of the Hundred Years' War. It is to be feared that the price (\$3.25) hardly augurs well for very general purchase by classes in English history.

The Theory and Practice of the English Government is the title of a new work by Professor T. F. Moran, of Purdue University. It has American readers especially in view, and "an effort has been made

to present within reasonable compass a description of the actual working of the English government with some reference to its history and theory."

Three biographies of special interest are announced by Messrs. Macmillan: *Bishop Westcott*, by his son Reverend Arthur Westcott; *Sir George Grove*, by C. L. Graves; and *Charlotte M. Yonge*, by Christabel Coleridge. They also have in hand Mr. Bryce's *Biographical Studies*, which include Gladstone, Dean Stanley, Beaconsfield, Cardinal Manning, J. R. Green, T. H. Green, Parnell, Freeman, and Lord Acton.

English History told by English Poets (New York, The Macmillan Co., 1902, pp. xv, 452), compiled by Katharine Lee Bates and Katharine Coman, may serve not only to illustrate and enliven the study of English history in the schools, but also to introduce the youthful scholar to some of the British classics not readily accessible in any one place. Each selection is prefaced by an historical note, while difficult phrases and allusions are elucidated in an appendix. It is questionable whether a work of this sort can be used as an independent reader; but for supplementary or introductory purposes it should prove of value.

Noteworthy articles in periodicals: Charles Gross, *Modes of Trial in the Mediæval Boroughs of England* (Harvard Law Review, XV., No. 9); C. H. Firth, *Cromwell and the Crown*, II. (English Historical Review, January); *Diarists of the Last Century* (Quarterly Review, January).

FRANCE.

M. A. Molinier has finished the third fascicle of his part in *Les Sources de l'Histoire de France*. It bears the sub-title, "Les Capetiens (1180-1328)" (Paris, Picard).

The latest fascicles of the Lavis *Histoire de France* give Professor H. Lemonnier's survey of "Les Guerres d'Italie. La France sous Charles VIII, Louis XII, et François I^{er} (1492-1547)."

An important thesis was sustained at the University of Paris at the end of December by M. Gustave Dupont-Terrier on the local institutions of France at the end of the Middle Ages: *Les Officiers Royaux des Baillages et Sénéchaussées et les Institutions Monarchiques Locales en France à la Fin du Moyen-Âge*.

In the *Bulletin* of the New York Public Library for December last is printed, from the Hardwick manuscripts in that library, a letter concerning the assassination of Henry IV.: "Sir Ralph Winwood to Earl Salisbury on the Assassination of Henry IV., in 1610."

Two new editions of Carlyle's *French Revolution* have appeared lately, each in three volumes and each with introduction, notes, and appendixes; one being prepared for Messrs. Macmillan by J. H. Rose, the other for Messrs. Putnam by C. R. L. Fletcher.

It has been generally agreed that Bretagne played an important rôle in the Revolution. However, just what that rôle was and how it was

performed seems to have been left long undetermined. To contribute to knowledge upon this question Mr. Charles Kuhlmann has written a dissertation entitled "Influence of the Breton Club in the Revolution (April–October, 1789)," which appeared in the *University Studies* of the University of Nebraska for last October.

The government of the Terror and also that of the Directory required all the functionaries in the various branches of the administration to send in every ten days a full report of their doings. The importance of these reports for the political, religious, and economic history of France in their time is set forth in the *Revue d'Histoire Moderne et Contemporaine* for December last: "Les Comptes Décadaires des Autorités du Gouvernement Révolutionnaire et des Commissaires du Directoire," by A. Mathiez. In the same number, also, this journal begins a series of "Bulletins" upon work in the field of modern history at the principal provincial centers of study in France. The first of these "Bulletins" relates to Lyons. The February number contains an article describing police papers that are available for study of the Revolution, the Empire, and the Restoration: "Le Fonds de la Police Générale aux Archives Nationales," by Ch. Schmidt.

M. Charles Gomel continues his financial history of the Revolutionary period; we note the publication of the first volume of his *Histoire Financière de la Législative et de la Convention*, really the fifth of the complete work (Paris, Guillaumin). This new volume, it may be added, is severely criticized by L. Cahen in the February number of the *Revue d'Histoire Moderne et Contemporaine*.

The editor of the *Revue Napoléonienne*, A. Lumbroso, has brought out a volume containing portraits, facsimiles of autographs, and various published and unpublished writings upon the Duke of Reichstadt: *Napoleone II: Studi e Ricerche* (Rome, Bocca).

Two French societies interested in modern history, the Société de l'Histoire de la Révolution Française and the Société d'Histoire Moderne, are attempting, upon the initiative of Professor Aulard, to bring about a needed change in the method of editing the official collection known as *Les Archives Parlementaires*, which promised to be a complete reproduction of the debates from 1789 to 1860. At a meeting of the Société d'Histoire Moderne last December Professor Aulard exposed the faults of method in the sixty-two volumes already published, which reach as far as April 19, 1793. In volumes VIII.–XXXIII., for the Constituent Assembly, the editors have created a mosaic out of the official record of proceedings — which contains hardly more than important motions and decrees — and accounts in newspapers, like the *Moniteur* and the *Point du Jour*. The product is of little help to the discerning student and merely imposes on the ill-informed. This method was changed with volume XXXIV., as a result of criticism, but the change was hardly an improvement, for the mosaic effect was preserved, save that references were given to the newspapers from which the selections were taken. Latterly the

editors have been adding masses of irrelevant documentary material. In place of this method Professor Aulard suggests that such a collection should contain, first, a reprint of the *procès-verbal*; second, an account taken wholly from one newspaper, not necessarily the same newspaper for every session; and, third, a selection of other pieces useful for an understanding of the session. It is the hope of these societies to persuade the government not only to change the method for future volumes, but also to print in four or five supplementary volumes the *procès-verbal* up to April 19, 1793.

Messrs. Henry Holt and Co. will publish a translation, edited by Professor E. G. Bourne, of M. Auguste Fournier's *Napoleon I.* It will be accompanied by a critical bibliography of Napoleonic literature.

The third and final volume of M. Paul Viollet's indispensable *Histoire des Institutions Politiques et Administratives de la France* was published in January (Paris, Larose).

Noteworthy articles in periodicals: G. Clément-Simon, *Un Conseiller du Roi François I^{er}*; Jean de Selve, *premier Président du Parlement de Paris, Négociateur du Traité de Madrid* (Revue des Questions Historiques, January); A. Mathiez, *Le Bureau Politique du Directoire; Notes et Documents* (Revue Historique, January); P. Conard, *Les Mémoires de Marbot* (Revue d'Histoire Moderne et Contemporaine, January); F. Masson, *L'Exode de Lucien Bonaparte* (Revue de Paris, January).

SPAIN, PORTUGAL, ITALY.

The history of the Jews in Spain and Portugal furnishes the subject-matter of two articles in the January number of the *Jewish Quarterly Review*: "The Jews and the Spanish Inquisition," by R. J. H. Gottheil; and "The Jews in Portugal from 1773 to 1902," by Cardozo de Bethencourt.

The Italian government took an important step last autumn looking toward the gradual arrangement of an efficient central administration for the numerous public archives throughout Italy. Those who contemplate working in these archives may be interested in a short account of the decree of September 9, in the September-December number of the *Bibliographie Moderne*: "Le Nouveau Règlement Général des Archives d'État Italiennes," by E. Casanova.

GERMANY.

Eleven studies in the legal and economic history chiefly of the German peasantry, published hitherto in more or less inaccessible periodicals, have been revised and collected into one volume by their author, Dr. Theodor Knapp, of Tübingen: *Gesammelte Beiträge zur Rechts- und Wirtschaftsgeschichte vornehmlich des deutschen Bauernstandes* (Tübingen, H. Laupp).

The leading article in the current number of the *Historische Zeitschrift* (XC., 2) is an admirable treatment of "Das Contributionssystem

Wallensteins," by Moritz Ritter. It considers the subject in the perspective of the general development of military arrangements from the end of the Middle Ages and sets forth what fundamental inferences the German states drew from the experience of the Thirty Years' War, and especially from Wallenstein's part in it.

The first number of a series of "Geschichtliche Studien" recently started under the editorship of A. Tille (Gotha, F. A. Perthes) is by J. Ziekursch: *Die Kaiserwahl Karls VI. 1711*. Another new German collection bearing the title "Völkerideale, Beiträge zur Völkerpsychologie" (Leipzig, Werner) begins with *Germanen und Griechen*, by O. Stauf von der March.

A small volume on Frederick the Great was published recently at Paris: *Frédéric le Grand d'après sa Correspondance Politique*, by L. Paul Dubois (Perrin).

Students of the literary and social conditions of Germany a hundred years ago will find much to interest them in *The Life and Times of Georg Joachim Goschen, Publisher and Printer of Leipzig, 1752-1828*, 2 vols., by his grandson, Viscount Goschen (Putnam).

Several books concerning German history in the last century have appeared lately, notably: *Preussische Geschichte*, by Hans Prutz, the fourth volume, treating of "Preussens Aussteigen zur deutschen Vormacht (1812-1888)" (Stuttgart and Berlin, J. G. Cotta); *Kaiser Wilhelm und die Begründung des Reichs, 1866-1871*, by O. Lorenz (Jena, G. Fischer); and *Personal Reminiscences of Bismarck*, by Sidney Whitman (New York, Appleton).

NETHERLANDS, BELGIUM.

The *Revue Historique* for January-February contains an account, by Th. Bussemaker, of the state of historical studies in Holland, and of Dutch historical publications (excluding articles) during the last seven years.

The fifth volume of Fredericq's monumental *Corpus Documentorum Inquisitionis Hereticæ Pravitatis Neerlandicæ* has just appeared (Ghent, Vuylsteke; The Hague, Nijhoff), covering the period from September, 1525, to the close of 1528. The author also announces a collection of documents relating to the history of indulgences in the Netherlands.

M. Léon Vanderkindere has finished with the second volume of his *Formation Territoriale des Principautés Belges au Moyen Âge* (Brussels, Lamertin). The first volume of this work is concerned with the county of Flanders, from Charlemagne to Philip III.; the second deals with Lorraine, to the twelfth century; the third, completing the work, will trace the evolution of the principalities of middle Lorraine from the twelfth century to the Burgundian unification.

NORTHERN AND EASTERN EUROPE.

Historical scholarship has lost one of its finest representatives by the death of Gustav Storm, who worked especially on the legendary history

of the north. Among his publications are *Kritische Bidrag til Vikingetidens Historie*, *Monumenta Historica Norvegica*, and an edition and translation of Snorre Sturlasson's *Kongesagaer*.

In preparation for the "Cambridge Historical Series" are *Scandinavia*, a history of the three northern kingdoms from the end of the fifteenth century to the year 1900, by R. Nisbet Bain, and *The Expansion of Russia, 1815-1900*, by F. H. Skrine.

Noteworthy article in periodical: J. F. Chance, *The "Swedish Plot" of 1716-7* (English Historical Review, January).

AMERICA.

Scribner's Magazine, beginning with the February number, has a series of papers, by various authors, on the government of the United States. So far have appeared "The Presidential Office," by James Ford Rhodes, and "The Supreme Court of the United States," by Justice Brewer.

The *Literature of American History, Supplement for 1900 and 1901*, edited by Philip P. Wells, continues the work which was edited by Mr. J. N. Larned; as in that, there are critical and descriptive annotations.

Important changes have been made with reference to the quarterly *Americana Germanica*. It is being continued, since January, by the *German American Annals*, a monthly devoted to the comparative study of the historical, literary, linguistic, political, commercial, and other relations of Germany and America. Besides articles—some scientific, others of more popular interest—each number is to contain reviews, book notices, and lists of new publications. In addition it will be the organ of the German American Historical Society, the National German American Alliance, and the Union of Old German Students in America. The old name, *Americana Germanica*, will be continued as the title of a series of monographs. The January number of the *Annals* contains, among other articles, a preliminary report on some work for the American Ethnographical Survey, and an edition of "Benjamin Herr's Journal, 1830": both by the editor, M. D. Learned.

The Burrows Brothers Company, of Cleveland, have issued, in their series of reprints of early Americana, Wolley's *A Two Years' Journal in New York and Part of its Territories in America*, from the original edition of 1701, with an introduction and notes by Professor E. G. Bourne; *A Character of the Province of Maryland*, by George Alsop, from the original edition of 1666, with introduction and notes by Professor Newton D. Mereness; *Good Order established in Pennsylvania and New Jersey*, by Thomas Budd, from the original edition of 1685, with introduction and notes by Frederick J. Shepard; and Daniel Denton's *A Brief Description of New York formerly called New Netherlands*, from the original edition of 1670, with introduction by Felix Neumann. The volumes contain facsimile reproductions of the title-pages of the old

editions and are put forth in attractive form. The introductions are ample and satisfactory.

A small collection of the more important constitutional and political papers of our national period has been prepared by Professor Marshall S. Brown for "The Macmillan's Pocket Classics" series: *Epoch-Making Papers in United States History*.

Professor James A. Woodburn, of the University of Indiana, has made an analysis of the government of the United States, with a consideration of its fundamental principles and of its relations to the states and territories: *The American Republic and its Government* (Putnam). He has just published also another volume in the same general field, entitled *Political Parties and Party Problems in the United States*.

A History of American Political Theories, by Dr. C. E. Merriam, has just appeared. It traces the development of American political theories from colonial days to the present time (Macmillan).

A considerable work upon the history of American education is listed among the new publications of Longmans, Green, and Company: *The Making of our Middle Schools*, by Professor Elmer E. Brown, of the University of California. It aims to give a comprehensive account of the development of secondary education in the United States.

Messrs. Appleton have in the press, for their "Literature of the World Series," a *History of American Literature*, by Professor William P. Trent. It will cover properly the period from 1607 to 1865, but a "conclusion" treats briefly of the conditions of literature since the Civil War.

The history of Unitarianism in the United States, with reference to how it has organized and what it has accomplished, is set forth in a late volume by Reverend G. Willis Cooke: *Unitarianism in America: a History of its Origin and Development* (Boston, American Unitarian Association). We note also, in the field of American religious and church history: *A History of the Formation and Growth of the Reformed Episcopal Church, 1873-1902*, by Annie D. Price (Philadelphia, J. M. Armstrong), and a new edition, somewhat extended, of Dr. Ephraim Adams's *The Iowa Band*, concerned with early missions and Congregationalism in the middle west.

The sixth and final volume of Father J. B. Piolet's *Les Missions Catholiques Françaises au XIX^e Siècle* relates to America: "Missions d'Amérique." It is now appearing by fascicles, one each week (Paris, Colin).

The Librarian of Congress has planned the publication of a series of contributions to American library history, as forerunners to a general history of American libraries. The purpose of these contributions is to make more accessible and more complete the local records of American libraries, and particularly to describe and explain those points in local history which are of general significance.

In the "Monograph Series" of the United States Catholic Historical Society appears *Unpublished Letters of Charles Carroll of Carrollton and of his Father Charles Carroll of Doughoregan* (New York, 1902). They are compiled and edited by Thomas Meagher Field, who also writes a short introductory memoir. Most of the letters, it seems, have been really unpublished heretofore; some few extracts, the preface tells us, appeared in 1874 in *Appleton's Journal*.

The Valley Forge Orderly Book of General George Weedon, of the Continental Army under Command of General George Washington, in the Campaign of 1777-8, describes the events of the battles of Brandywine, Warren Tavern, Germantown, and Whitemarsh, and of the camps at Neshaming, Wilmington, Pennypacker's Mills, Skippack, Whitemarsh, and Valley Forge (Dodd, Mead, and Co.).

The Bibliophile Society, of Boston, is expecting to publish sometime this year—for its members only—the journal kept by Major André while serving on the staff of General Grey in the Revolution. This journal, the manuscript of which was recently discovered at Howick, in Northumberland, extends from June of 1777 to the close of 1778. It includes forty-four maps which will be reproduced in facsimile. Senator Lodge will contribute an introduction.

Colonel John Gunby of the Maryland Line, by A. A. Gunby, is published by the Robert Clarke Company (Cincinnati, 1902, pp. v, 136). A good portion of the volume is taken up with a consideration of the campaigns in the south, 1779-1781. The author takes issue with the court of enquiry which declared that Gunby's "improper and unmilitary" order at the battle of Hobkirk's Hill, April 25, 1781, was "in all probability the only cause why we did not obtain a complete victory."

Messrs. A. S. Barnes and Co. announce *The Real Benedict Arnold*, by Charles Burr Todd, in which Arnold's treason will be traced to the influence of his wife and his fear of losing her in case her own treasonable correspondence with the British officers should be discovered.

Mrs. Gertrude Atherton has collected some of Hamilton's letters, with the idea of enabling Hamilton's admirers to form a much more close estimate of his character than is possible from other sources: *A Few of Hamilton's Letters* (Macmillan).

Mr. Gaillard Hunt has written *The Life of James Madison* for "The Biographical History of the United States," of which it will form the first volume (Doubleday, Page, and Co.).

Mr. Charles Francis Adams delivered a speech at the dinner of the New England Society, of Charleston, S. C., December 22, 1902, on "The Constitutional Ethics of Secession," in which he shows that the growing differences between the north and south were due to changing conditions that were really responsible for the final outcome: the individual was more and more minimized, a sort of great fatalistic process led on to the inevitable and unexpected, and at last the question of secession was

in the hands of steam and electricity. He also delivered a speech at the thirteenth dinner of the Confederate Veterans' Camp, of New York, January 19, on "War is Hell"; the burden of which was that, when the time is ripe, a statue to the memory of Robert E. Lee should be erected in Washington, the expense to be met by private contributions, but the location to be designated by Congress. These two speeches have been published in pamphlet form by Houghton, Mifflin, and Co.: *The Constitutional Ethics of Secession and War is Hell*.

The January number of the *Bulletin* of the Boston Public Library contains, among other letters there printed, an interesting letter from David Howell to John Brown written in January, 1801, and bearing on the contested election of the previous year.

Houghton, Mifflin, and Co. have published in two volumes *The Anti-slavery Papers of James Russell Lowell* (Boston, 1902). The papers, over fifty in number, appeared originally in *The Pennsylvania Freeman* and *The National Anti-Slavery Standard*, between 1845 and 1850. Those interested either in Lowell's personal career and development or in the history of the struggle against slavery will welcome these books. It is well that some of the most vigorous writing that Lowell did should not remain buried where the articles were first printed. Most of the articles appearing here were printed, we are told, from the original manuscripts.

Ex-Secretary John W. Foster has an article in the March number of *The National Geographic Magazine*, on "The Canadian Boundary"; a review of the methods by which the line has been adjusted and marked. He has also just published, through Houghton, Mifflin, and Co., a book designed to show the part which the United States has taken, and the position it now occupies in respect to the political, commercial, and race questions in the orient: *American Diplomacy in the Orient*.

The American Jewish Historical Society recently distributed Number 10 of its *Publications*. Besides the address of the president, Dr. Cyrus Adler, given at the tenth annual meeting, it contains especially the following articles: "References to the Jews in the Diary of Ezra Stiles," by Morris Jastrow, Jr.; "A Method of Determining the Jewish Population of large Cities in the United States," by George E. Barnett; "Jewish Activity in American Colonial Commerce," by Max J. Kohler; "The Jews of Georgia in Colonial Times," by Leon Hühner; "The Cincinnati Community in 1825," by David Philipson; "New Light on the Career of Colonel David S. Franks," by Oscar S. Straus; "Sampson Simson," by Myer S. Isaacs; "The Damascus Affair of 1840 and the Jews of America," by Joseph Jacobs; "Solomon Heydenfeldt: A Jewish Jurist of Alabama and California," by Albert M. Friedenberg; "The Jews in Curaçao," by G. Herbert Cone.

Messrs. George N. Morang and Co. have just announced *Sir Wilfred Laurier and the Liberal Party, a Political History*, by J. S. Willison.

No one can be better qualified than the late editor of the *Toronto Globe* for writing a history of political affairs in Canada since the Confederation, a period during which the Dominion has been steadily laying the foundation of a nation.

The same publishers propose issuing this year a series of biographies to be called the "Makers of Canada." Among the first volumes to be brought out are those on Champlain by N. E. Dionne, Wolfe and Montcalm by the Abbé Casgrain, Simcoe by D. C. Scott, Egerton Ryerson by Chancellor Burwash, Cartier by A. D. De Calles, Haldimand by Miss McIlwraith, Elgin by Sir John Bourinot, Broch by Lady Edgar, Dorion by Sir Wilfred Laurier, Frontenac by W. D. Le Sueur.

Mr. C. C. James, Deputy Minister of Agriculture, Ontario, has issued some copies of the paper which he contributed to the Royal Society of Canada, on the "First Legislators of Upper Canada." It contains within its twenty-seven pages a mass of information, political and personal, about the formation of parliamentary government (1792-1796) in what is now Ontario.

Our list of local financial histories has been notably increased by a late number in the *Publications* of the American Economic Association: "A History of Taxation in New Hampshire," by Maurice H. Robinson (Macmillan).

Mr. Daniel Munro Wilson is the author of *Where American Independence Began* (Boston, Houghton, 1902, pp. xiii, 289). It is a narrative, not unpleasantly written in spite of a plethora of exclamation and interrogation, of old Braintree and Quincy, and of the men and women who made the place famous.

We have received a reprint of an article which appeared in the January number of the *New England Historical and Genealogical Register*: "Ezekiel Cheever," by John T. Hassam. The writer's purpose is to insure greater publicity to a correction that he has made twice before, to the effect that Cheever was not the author of the Latin and Greek poems preserved in manuscript in the library of the Boston Athenæum and first published in the *Register* in 1879.

The history of Rhode Island seems to be receiving considerable attention of late. We have had two volumes by Mr. Richman (Putnam), noticed in this number of the REVIEW, for the time of Roger Williams; and two volumes of *Correspondence of the Colonial Governors of Rhode Island, 1720-1775*, edited by Gertrude S. Kimball (Boston, Houghton, Mifflin, and Co.). Also Mr. S. S. Rider, of Providence, announces that he has nearly completed his *History of the Development of a Constitutional Government in Rhode Island*; and Reverend Lucian Johnson has lately dealt with the question of priority in the establishment of religious liberty as between the colonies of Roger Williams and Lord Baltimore: *Religious Liberty in Maryland and Rhode Island* (Brooklyn, International Catholic Truth Society, pp. 56).

The *Bulletin* of the New York Public Library for February contains the first part of "List of Publications of New York General Assembly, 1693-1775."

Mr. Frank Pierce Hill, of the Brooklyn public library, and Mr. Varnum Lansing Collins, of the Princeton University library, have privately published (1902) a list of books, pamphlets, and newspapers printed at Newark, New Jersey, from 1776 to 1900. The list comprises 1,553 titles. The book is supplied with notes and an index.

The December number of the *Pennsylvania Magazine of History and Biography* contains mainly continuations and conclusions, notably the last installment of Dr. E. H. Baldwin's "Joseph Galloway, the Loyalist Politician."

The Southern History Association in its *Publications* for January begins what is believed to be the first complete edition of Major John Redd's "General Joseph Martin." It gives also, besides continuations of material previously noticed, the first installment of a body of documents relating to the progress of Texas revolutionary sentiment, beginning in June, 1835: "Documentary Progress of Texas Revolutionary Sentiment as seen in Columbia."

The autobiography of Professor Joseph Le Conte, which is to be published this year by Messrs. Appleton, will no doubt contain matter of interest to students of American history. His reminiscences deal largely with the south, where he was born and where he spent his youth.

In the opening article of the *South Atlantic Quarterly* for January Dr. J. M. Callahan gives some account of the "Pickett Papers,"—which embrace the larger part of the diplomatic correspondence of the Confederate government,—with reference to their importance as historical material. The same number contains also, with other matter, "Moses Coit Tyler and Charles Sumner," by W. H. Glasson, being a report of some of Mr. Tyler's class-room reminiscences; and "The French Constitution of 1791 and the United States Constitution: a Comparison", by C. H. Rammelkamp.

Atlanta University has just issued the seventh number of her studies of the negro problem: *The Negro Artisan*, edited by W. E. B. DuBois. It contains, with other matter, a short history of the negroes as artisans.

Numbers 11-12 in Series XIX. of the *Johns Hopkins University Studies* are devoted to *Governor Thomas H. Hicks of Maryland and the Civil War*, an endeavor to trace his course, by George L. P. Radcliffe.

The *Virginia Magazine of History and Biography* for January contains, among the new pieces, a list of slave-owners in Westmoreland county, Virginia, in 1782, and lists of the House of Burgesses for 1683 and 1684. There are also several continuations, notably "The Abridgment of Virginia Laws, 1694", "The John Brown Letters", and "The Ferrar Papers."

The University of North Carolina has published, as Number 3 of the *James Sprunt Historical Monographs*, "Letters of Nathaniel Macon, John Steele, and William Barry Grove," edited by Professor Kemp P. Battle. The letters bear various dates between 1792 and 1824, and deal with both national and state affairs. The editorial work is marked especially by copious explanatory notes.

The *South Carolina Historical and Genealogical Magazine* for January continues "Papers of the Second Council of Safety"; likewise "Letters from Hon. Henry Laurens to his son John, 1773-1776." Besides it begins an extensive genealogy: "The Descendants of Col. William Rhett, of South Carolina."

The *American Historical Magazine* for January contains: "William Blount and the old Southwest Territory", by A. V. Goodpasture; "The Genesis of the Peabody College for Teachers", by W. R. Garrett; "Madison County", continued, by J. G. Cisco; "The Preservation of Tennessee History," by R. A. Halley — bearing on a state of affairs by no means confined to Tennessee; "The Development of Education in Tennessee," by H. M. Doak; and "From Bardstown to Washington in 1805," an unsigned diary.

The Michigan Pioneer and Historical Society is preparing to publish, from the library of Mr. C. M. Burton in Detroit, a collection of valuable papers relating to the War of 1812 and throwing much additional light upon the movements of the army in the northwest and Canada. They include the Askin papers, the Woodbridge papers, and a quantity of military records evidently captured from the British at the battle of the Thames.

The State Historical Society of Wisconsin has begun to print in its *Collections* (Vol. XVI.) the more important documents throwing light upon the French régime in Wisconsin. The materials are gathered from various sources, chiefly perhaps from the *Jesuit Relations*. The intention is not to print documents hitherto unpublished, but to bring together into one place the most useful matter for the understanding of early Wisconsin history. The volume contains a number of good illustrations, helpful notes, and an index.

In the January *Quarterly* of the Texas State Historical Association one finds especially *The Tampico Expedition*, an episode of the Texas revolution, by Eugene C. Barker, and *Tienda de Cuervo's Ynspeccion of Laredo, 1757*, by H. E. Bolton, which is a translation, with notes, of documents upon the beginnings of Laredo. There is also the second installment of "Reminiscences of C. C. Cox," and the beginning of "Reminiscences of Early Texans," collected from the Austin papers by J. H. Kuykendall.

In the *Proceedings and Collections of the Nebraska State Historical Society*, second series, Volume IV., appears a substantial book by Thomas Weston Lipton, entitled "Forty Years of Nebraska, at Home and in

Congress." It gives short biographical sketches of territorial and state governors, and of several United States senators and representatives. A considerable portion of the book is made of selections from public documents and from printed or unprinted speeches. The fifth volume in the same series is largely taken up with recollections of early pioneer days in the west. Three of the papers, including the president's address, deal with territorial journalism.

We have the pleasure of welcoming a new Iowa enterprise, *The Iowa Journal of History and Politics*. It is to be published quarterly by the State Historical Society of Iowa; it is in fact the successor of the *Iowa Historical Record*, published by the same society from 1885 to October, 1902; its object is to bring to the study of Iowa and western history a more critical attitude; and it is to be edited by Professor Benjamin F. Shambaugh. The first number, January, 1903, contains four articles: "Joliet and Marquette in Iowa", by Laenas Gifford Weld; "The Political Value of State Constitutional History", by Francis Newton Thorpe; "Historico-Anthropological Possibilities in Iowa", by Duren J. H. Ward; and "A General Survey of the Literature of Iowa History", by Johnson Brigham. Besides there are reviews, and some ten pages of "Notes and Comment." These contents appear in a becoming dress—good paper, tasteful printing, and an open, wide-margined page.

The January number of the *Annals of Iowa*, published, it will be remembered, by the Historical Department of Iowa, contains "Safety Appliances on the Railroads", by L. S. Coffin; "Gov. John Henry Gear", by W. H. Fleming; "The Eastern Border of Iowa in 1823", being a part of J. C. Beltrami's *Pilgrimage in Europe and America* (London, 1828), edited by William Salter; and "My Boyhood Recollections of the Sac and Fox Indians", by Charles A. White.

Noteworthy articles in periodicals: Will H. Low, *A Century of Painting in America* (McClure's Magazine, beginning in February); Thomas A. Janvier, *The Dutch Founding of New York* (in Harper's Magazine, since February); Justin H. Smith, *The Prologue of the American Revolution* (running in the Century since November); J. R. Spears, *Benedict Arnold—Naval Patriot* (Harper's Magazine, January); M. A. DeWolfe Howe, *Episodes of Boston Commerce* (Atlantic Monthly, February); W. L. Scruggs, *The Monroe Doctrine—Its Origin and Import* (North American Review, February); F. J. Turner, *Contributions of the West to American Democracy* (Atlantic Monthly, January); Ida M. Tarbell, *A History of the Standard Oil Company* (running in McClure's Magazine, since November); G. H. Montague, *The Later History of the Standard Oil Company* (Quarterly Journal of Economics, February); W. E. Safford, *Guam and its People* (American Anthropologist, October, December).